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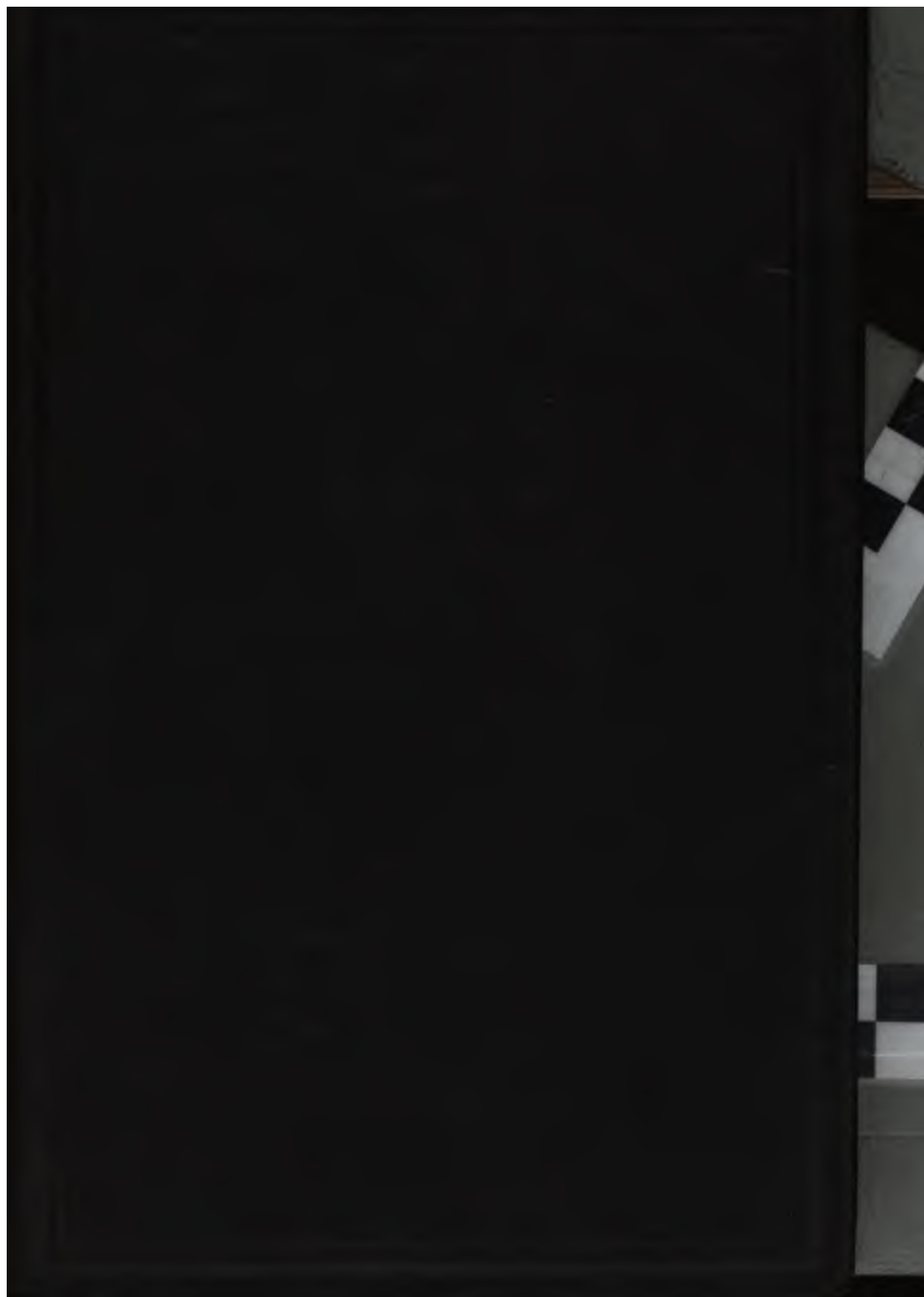
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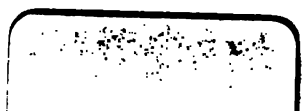
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ARCHIVES
OF THE
STATE OF NEW JERSEY.

FIRST SERIES.

Vol. XVI.

This volume was prepared and edited by authority of the State of New Jersey, at the request of the New Jersey Historical Society, and under the direction of the following Committee of the Society :

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WILLIAM S. STRYKER.

DOCUMENTS
RELATING TO THE
COLONIAL HISTORY
OF THE
STATE OF NEW JERSEY.

EDITED BY
FREDERICK W. RICORD.

VOLUME XVI.

JOURNAL OF THE GOVERNOR AND COUNCIL.

VOL. IV. 1748—1755.

TRENTON, N. J.:
THE JOHN L. MURPHY PUBLISHING CO., PRINTERS.
1891.

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JUL 12 1900**

Pursuant to the Adjournment of the General Assembly,
His Majesty's Council for the Province of New Jersey Mett
at Amboy on

Thursday the 10th day of November 1748

Present
The Honourable Edward Antill }
James Hude } Esq^{rs}
Tho^r Leonard }

The House Continued till Friday y^e 11th Nov^r 1748.

Present as above

Continued 'till
Monday y^e 14th Nov^r 1748

Present
The Hon^{ble} Edward Antill }
Ja^s Hude } Esq^{rs}
Peter Kemble }
Tho^r Leonard }

Continued 'till
Tuesday Nov^r 15th 1748

Present
The Hon^{ble} Edward Antill P Kemble }
James Hude } Esq^{rs}
And^r Johnston Tho^r Leonard }

Continued till
Wednesday Nov^r 16th 1748

The House mett

Present

| | | |
|-------------------------|------------------------|---|
| M ^r Antill | M ^r Kemble | } |
| M ^r Hude | | |
| M ^r Johnston | M ^r Leonard | |

His Excellency came into Council, & by the Secretary Acquainted the House of Assembly that he was ready to receive the Address of the House

The Speaker with the House of Assembly attended and Presented the following Address

To His Excellency Jonathan Belcher, Esq^r Captain General and Governor in Chief, in and over His Majesty's Colony of New Jersey, and Territories thereon depending in America Chancellor and Vice Admiral in the same.

The Humble Address of the House of Representatives in General Assembly Convened.

May it please your Excellency,

We His Majesty's dutiful and Loyal Subjects, the Representatives of the Colony of New Jersey, in General Assembly Convened, beg leave to Assure your Excellency, it was with much concern we were Acquainted by your Excellency's Speech, that your ill state of Health occasioned your calling us to meet at Burlington, and join with your Excellency in returning thanks to Almighty God for your recovery, and that you are Enabled now to meet us here at Perth Amboy, the place where (according to the alternate Sitting of Assemblies) we esteem this Session of right ought to be held; which occasioned a Number of our Members, when last at Burlington, to apply to your Excellency for the same; and your readiness in acceding thereto, We look upon as a Demonstration of the Justice and Uprightness of your Administration as well as of your Inclination, and Willingness to Promote a Harmony among the several Branches of the Legislature and the People of the Colony whom we represent.

We hope, with your Excellency, that 'tho' the first set of Laws passed the last Session had the Misfortune to be taken in going home to Great Britain, yet those mentioned by your Excellency to be afterward forwarded, have not miscarried ; and that we shall soon hear of their Arrival, and receive the desired Effect and Benefit of them.

We have received Advice from our Agent, of his receipt of the Accounts respecting the Loan of Money made by this Colony to the Crown ; and we shall take proper care what is further needful, in Order to his Obtaining the payment of that money, be done.

We shall, according to Your Excellency's Recommendation to us, take into our Consideration the present State of the Treasury, and shall do what is Necessary on our part for the payment of the Just Debts of the Colony, and for the Support of the Government.

The discovery mentioned by your Excellency made of so great a Number of Wicked People concerned in the forging and Counterfeiting of our Bills of Credit, and of foreign Coins passing Current in this Colony, will, We also hope, soon put an end to so Vile a practice ; and the punishing the Authors thereof be a means to prevent the like for the future ; in which, and in the further discovery and detection of this Combination of Villanous Persons, We, with your Excellency, doubt not of the Assistance of every honest and good Member of the Community as it's not only their duty but Interest to be aiding in so good a Work.

The length of the last Session of Assembly was, as Your Excellency is pleased to mention, occasioned by all Matters under the Care of the Legislature in a manner Subsiding for some time before that sitting ; but as Several good and necessary Laws, for the promoting the Welfare and Prosperity of this Colony, were then passed ; we expect we shall have the less to do at this time ; and as the Season of the Year renders it most agreeable to all concern'd to be at home, We assure Your Excellency We shall use our utmost Endeavours

to Shorten this Session, by giving all possible application and dispatch to such Publick Affairs as may come under our Consideration at this time; and we beg leave to return your Excellency our publick thanks for the kind Assurance you are pleased to give, in joining with us to do every thing that may best promote the Weal and happiness of the people we represent; and as Concord and Unity (as your Excellency well Observes) is the Chief Beauty and strength of all Government, it shall be our principal Aim to promote it.

| | | |
|--|---|---|
| Divers of the Members of this House being of the people called Quakers agree to the matter and Substance of this Address with their usual exception to the stile | } | By Order of the House SAMUEL NEVILL, Speaker |
|--|---|---|

The Speaker with the House of Assembly withdrew & the House continued till Thursday Nov^r 17th

The House mett—Present as above

M^r Stelle & M^r Spicer from the House of Assembly Presented for the Concurrence of this House a Bill Entituled, An Act for empowering certain persons herein after named to draw for & receive the money lent the Crown for Arming and Cloathing the fforces lately raised in this Colony & to apply the same as herein is directed.

Which Bill was read the first time & ordered a second reading

The House Continued till Friday November 18th 1748.

The House met—Present

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|--------------------------------------|--------------------------|---|------------------|
| The Hon ^{ble} Edward Antill | Peter Kemble | } | Esq ^r |
| James Hude | | | |
| And ^w Johnston | Tho ^s Leonard | | |

M^r Low & M^r Hancock from the House of Assembly presented for the Concurrence of this House a Bill, Entituled An Act for the more Effectual preventing of Lotteries, Horse races, Playing of Cards & Dice, and other Gaming for Lucre of [or] Gain within this Colony, for the future.

Which Bill was read the first time & Ordered a second reading.

The Bill Entituled An Act for empowering certain persons herein after named to draw for & receive the Money lent the
 2^d reading y^e } Crown &c^a was read the second time, &
 Bill to draw } Committed to the Gentlemen of the Council,
 for y^e money } or any three of them
 lent y^e crown }

The House continued till Saturday November 19th 1748.

.The House met—Present as above

the above } Mr. Hude from the Committee to whom the
 Bill passed } Bill Entituled, An Act for empowering certain
 Persons herein after named to draw for & receive the Money
 lent to the Crown for Arming & Cloathing the fforces &c^a
 reported the same without Amendment.

Ordered that the said Bill be read a third time which being done, and the Question put ; whether the said Bill do pass or not

It was carried in the Affirmative.

Resolved that the same do Pass

Ordered that the Speaker do sign the same

Ordered that M^r Leonard—do Acquaint the House of Assembly that the said Bill passed this House this day without Amendment.

M^r Leonard informed the House that he had obeyed the above order.

The Bill Entituled An Act for the more Effectual preventing of Lotteries, Horse races, playing of Cards &c^a was read a second time & Committed to the Gentlemen of the Council or any three of them

The House Continued till Wednesday Nov^r 23rd 1748

The House Mett Present

| | |
|--|--------------------|
| The Hon ^{ble} Rob ^t Hunter Morris | } Esq ^r |
| Edw ^d Antill And ^r Johnston | |
| James Hude | |
| Pet ^r Kemble Tho ^s Leonard | |

M^r Low & M^r Hopkins from the House of Assembly Presented for the Concurrence of this House a Bill Entituled An Act to Enable the Legislature to settle the Quotas of the respective Counties in this Colony

Which Bill was read the first time & Ordered a second reading

The House Continued till Two O'Clock in the afternoon

Present as before, with M^r Alexander

His Excellency came into Council, and by the Clerk having Commanded the Attendance of the House of Representatives, who attended accordingly; he was pleased to give his Assent to the following Bill

An Act for empowering certain persons herein after named To draw for & receive the Money lent the Crown, for Arming and Cloathing the forces lately raised in this Colony— And to apply the same as herein is directed

His Excellency withdrew

M^r Fisher and M^r Spicer from the House of Assembly [presented] for the Concurrence of this House a Bill Entituled, An Act for Naturalizing Hendrick Goeglets.

The House Continued till Thursday Nov^r 24th 1748

The House Met Present

| | |
|--|--------------------|
| The Hon ^{ble} Ja ^s Alexander | } Esq ^r |
| Edw ^d Antill | |
| Jas: Hude | |
| Peter Kemble | } Esq ^r |
| And ^r Johnston | |
| Tho ^s Leonard | |

The Bill Entituled, An Act for Naturalizing Hendrick Geoglets was read the first time and Ordered a second reading

The Bill Entitled an Act to Settle the Quotas &c^a was read a second time & Committed to the Gentlemen of the Council or any three of them.

The House Continued till two O'Clock in the Afternoon the House met—Present

| | |
|---|---------------------|
| The Hon ^{ble} James Alexander Esq ^r | } Esq ^{rs} |
| R. H. Morris Peter Kemble | |
| Ed ^d Antill Andrew Johnston | |
| James Hude Tho ^s Leonard | |

M^r Vanmiddlesworth & M^r Brick from the House of Assembly presented for the Concurrence of this House a Bill Entitled, an Act to Erect & Establish Courts in the several Counties of this Colony for the Tryal of small Causes

A message from the Assembly in the following words

Ordered that M^r Stelle & M^r Brick wait on the Council, & acquaint them, that this House have appointed M^r Eaton, M^r Cooke, M^r ffisher, M^r Leaming & M^r Spicer, to be a Committee to join a Committee of of the Council, to Inspect & Burn the Cancelled Bills of Credit, now in the Hands of Andrew Johnston Esq^r to meet at such time & place as the Council shall appoint, & desire the Council to appoint a Committee for the purpose afores^d with time & place of the Committee's meeting

THO^s DARTOW¹ Clk

Resolved that an Humble Address be presented to his Excellency setting forth that this House has had no information yet laid before them of what was done upon the Pardon² which His Excellency was pleas'd to Grant to the persons Guilty of the Insurrections Riots & disorders raised & Committed in this Province, nor whether the peoples Indicted and Recorded for any of the Crimes mentioned in the s^d Pardon had Complied with the Terms Prescribed or Accepted of

¹ Bartow.

² See Vol. XV., p. 589; also N. J. Archives, VII., 155, note; 161, 222.

the Lenity, and favour of the Government, by that Instrum^t of Pardon Offered to them, and therefore humbly to desire His Excellency to lay before this House such report or reports, or other Information as His Excellency has received concerning that matter from the Justices of the Supream Court, or the Commissioners by His Excellency specially appointed to administer the Oaths, and Affirmations, and to receive the Bonds mentioned, and provided in the said Pardon.

Ordered that the said Address be presented to His Excellency, by M^r Antill, & M^r Leonard

M^r Antill, Informed this Board, that M^r Leonard and himself waited on His Excell^y with the above Address, who was pleased to say he would he would send an Answer

The House Continued till Friday, November 25th 1748

The House met—Present

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|--|---------------------------|--------------------|
| The Hon ^{ble} James Alexander | And ^m Johnston | } Esq ^r |
| Edw ^d Antill | Peter Kemble | |
| James Hude | Tho ^s Leonard | |

The Bill Entituled an Act to Erect and Establish Courts for the Tryals of small Causes &^c was read the ffirst time & Ordered a second reading

The Bill Entituled, An Act for Naturalizing Hindrick Geoglets was read the second time and Committed to the Gentlemen of the Council or any three of them.

A Message from His Excellency in the following words

Gentlemen of the Council

In answer to your Message of yesterday I must refer you to the Act for Pardoning persons Guilty of Insurrection &^c where you'll find any compliances of such persons with the said Act, are to be returned into the Supream Court of this Province, & not to the Governour, that I think the proper inquiry into this matter must be made of that Court, where

the Law has directed those things to be filed; & preserved & which Court has made no report to me in the affair

Perth Amboy Nov^r 25th 1748

J. BELCHER

The House continued till Three O'Clock in the Afternoon

The House met—Present

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|--|---------------------------|--------------------|
| The Hon ^{ble} James Alexander | James Hude | } Esq ^r |
| R. H. Morris | And ^r Johnston | |
| Edw ^d Antill | Peter Kemble | |

This House taking into consideration His Excellencys Answer to the Address of this House. M^r Morris being Chief Justice of the Province, declar'd to this House, that as one of the Justices of the Supream Court named in an Instrum^t of Pardon; called an Act to pardon the persons Guilty of the Insurrections, Riots, and disorders, raised, & Committed in this Province; He had not been applied to by any one Person, to have the benefit of that Pardon, or had he Administered the Oaths to any for that Purpose: That no report had been made to the last Sup^r Court while he was upon the bench, nor did he hear of any return, or report made to that Term by any of the Commissioners, appointed to Administer the Oaths, & receive the Bonds mentioned in the s^d pardon.

James Hude. Esq^r one of the members of this House declared that some time before the Expiration of the pardon before mentioned there came to him a Letter he thinks from M^r Secretary Read Inclosing an Advertisem^t mentioning that Sundry Persons of which the said James Hude was one were Commissioners Specially appointed Pursuant to the said Pardon. He believes also that the other names therein mentioned were John Reading Esq^r Joseph Warrel Att^y General, Cornelius Vanhorne, Matthias Hetfield, and Uzal Ogden, & further saith that no one of the Rioters, or other Person or Persons, offered to him the said James Hude, to accept of the Benefit of the Said Pardon.

Ordered that the Clerk of the Sup^r Court attend this House, and inform them what returns or whether any were made by the other Justices of the Sup^r Court, or Commiss^{rs} appointed for the purpose afores^d to the last Sup^r Court Pursuant to the Pardon above mentioned.

Ordered that the Commissioners appointed to Administer the Oaths, & take the Bonds, mentioned in the s^d Pardon, do lay before this House, an Acc: of what Applications have been made to them respectively Pursuant to the Pardon afores^d

Ordered that the Clerk of this House send a Copy of the above order to the Comm^{rs} appointed &c^a in the County of Essex

The House Continued till Saturday Nov^r 26th 1748.

The House met Present

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| The Hon ^{ble} James Alexander | And ^r Johnson | } Esq ^r |
| Edw ^d Antill | | |
| James Hude | Peter Kemble | |

M^r Crane & M^r Spicer from the House of Assembly Presented for the Concurrence of this House a Bill Entituled an Act for the better Enabling of Creditors to recover their Just Debts from persons who Abscond themselves which Bill was read the first time, & Ordered a second reading

The House Continued till Tuesday Nov^r 29th 1748.

The House met Present

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| The Hon ^{ble} James Alexander | And ^r Johnston | } Esq ^r |
| Edward Antill | Peter Kemble | |
| James Hude | Tho ^s Leonard | |

Ordered that M^r Hude, M^r Kemble, and M^r Leonard, or any two of them, be a Committee to join a Committee of the House of Assembly, to Inspect, and burn the Cancelled Bills

of Credit of this Province, now in the hands of Andrew Johnston Esq^r and that they meet at four O'Clock this afternoon for that Purpose at the House of s^d Andrew Johnston ; and make report to this House.

Ordered that M^r Leonard do acquaint the House of Assembly herewith.

A message from the House of Assembly in the following words.

Ordered, that M^r ffisher, & M^r Spicer, do wait on the Council and Acquaint them, that this House desire to be informed what Progress they have made, in the Bill to enable the Legislature to settle the Quotas of the respective Counties of this Colony

THO^s BARTOW Clk

M^r Leonard informed [the house] that he had delivered the Message of this day

The Bill Entituled an Act to Erect and Establish Courts- &c^a for the Tryal of small Causes, was read the second time, & Committed to the Gentlemen of the Council or any three of them.

M^r Alexander Laid before this House a Certificate he had received from Joseph Warrall Esq^r Attor^y General ; & one of the Commissioners appointed Pursuant to the late Pardon which being read, Ordered that it be Entred in the Minutes of this House ; and it is as follows.

New Jersey as ; A List of the persons who have duly taken the Benefit of the late Act of Grace ; Entituled, An Act to Pardon the Persons Guilty of the Insurrections, Riots, and disorders raised and Committed in this Province.

| | | |
|-----------------|---|--|
| John Bainbridge | { | Indicted for a Riot in Somerset County and presented at Hunterdon County Sessions. |
|-----------------|---|--|

| | | |
|---------------------------------|---|--|
| Edmund Bainbridge | { | Indicted for a Riot in Somerset County, Recorded for a Riot, in Middlesex County, Indicted for High Treason in Middlesex County, & presented for a Riot at Hunterdon County Sessions of the Peace. |
| John Anderson. | { | Indicted, for a Riot, in Somerset County and presented for a Riot, at Hunterdon County Sessions of the Peace. |
| Tunis Updike. | { | Presented for a Riot at Hunterdon County Sessions of the Peace. |
| Samuel Price. | { | Indicted for a Riot, in Somerset County, & for High Treason in Middlesex |
| Albert Updike. | { | Indicted for a Riot in Somerset County |
| George Rozell. | { | Presented for a Riot, at Hunterdon County Sessions |
| Dollins Hageman Ju ^r | { | Indicted for High Treason in Middlesex County & Recorded for a Riot in the same County. |
| David Brearly. | { | Indicted for High Treason in Middlesex County. |

I Hereby declare, & Certify, that the Above named nine persons came before me, before the Eighteenth day of August last past, & Severally Entred into a Bond and took the

Oaths, appointed by the above mentioned Act of Grace ; and that thereupon, I gave them Severally a Certificate of their Having so done; That in further Pursuance of the S^d Act, I filed the Rolls in the Secretary's Office at Burlington, the Last Novemb^r Term ; Containing the Oaths appointed to be taken ; together with the declaration Signed, & Subscribed by each of them, with the several Bonds duly Executed by them fastned thereunto And I do further Declare, & Certify, that no other person or Persons whatsoever, who before that time, had been Indicted, Recorded, or presented, for any of the Crimes, Described or Specified, in the s^d Act of Grace, ever applied to me, in Order to Claim the Benefit of the s^d Act

Witness my hand this 25th November 1748

J. WARRELL,

Specially appointed by Commission
for the Above Purpose.

Ordered, that the s^d Certificate be referred to any three or more of the Members of this House ; together with the former informations concerning the Rioters, & that they report their Opinion, what is Proper to be done by this House in relation to the Rioters, who have not Accepted the benefit of the s^d Pardon.

Ordered, that Andrew Johnston Esq^r Acquaint the House of Assembly, that the Bill to Enable the Legislature to Settle the Quotas of the respective Counties of this Colony, Stands Committed, & is now under the Consideration of the Committee to whom it is referred.

The House Continued till Wednesday Nov^r 30th 1748.

The House met Present

| | | |
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| The Hon ^{ble} James Alexander | Peter Kemble | } Esq ^r |
| Edward Antill | | |
| James Hude | Thomas Leonard | |
| And ^r Johnston | R. H Morris | |

- Edmund Bainbridge { Indicted for a Riot in Somerset County, Recorded for a Riot, in Middlesex County, Indicted for High Treason in Middlesex County, & presented for a Riot at Hunterdon County Sessions of the Peace.
- John Anderson. { Indicted, for a Riot, in Somerset County and presented for a Riot, at Hunterdon County Sessions of the Peace.
- Tunis Updike. { Presented for a Riot at Hunterdon County Sessions of the Peace.
- Samuel Price. { Indicted for a Riot, in Somerset County, & for High Treason in Middlesex
- Albert Updike. { Indicted for a Riot in Somerset County
- George Rozell. { Presented for a Riot, at Hunterdon County Sessions
- Dollins Hageman Ju^r { Indicted for High Treason in Middlesex County & Recorded for a Riot in the same County.
- David Brearly. { Indicted for High Treason in Middlesex County.

I Hereby declare, & Certify, that the Above named nine persons came before me, before the Eighteenth day of August last past, & Severally Entred into a Bond and took the

Oaths, appointed by the above mentioned Act of Grace ; and that thereupon, I gave them Severally a Certificate of their Having so done; That in further Pursuance of the S^d Act, I filed the Rolls in the Secretary's Office at Burlington, the Last Novemb^r Term ; Containing the Oaths appointed to be taken ; together with the declaration Signed, & Subscribed by each of them, with the several Bonds duly Executed by them fastned thereunto And I do further Declare, & Certify, that no other person or Persons whatsoever, who before that time, had been Indicted, Recorded, or presented, for any of the Crimes, Described or Specified, in the s^d Act of Grace, ever applied to me, in Order to Claim the Benefit of the s^d Act

Witness my hand this 25th November 1748

J. WARRELL,

Specially appointed by Commission
for the Above Purpose.

Ordered, that the s^d Certificate be referred to any three or more of the Members of this House ; together with the former informations concerning the Rioters, & that they report their Opinion, what is Proper to be done by this House in relation to the Rioters, who have not Accepted the benefit of the s^d Pardon.

Ordered, that Andrew Johnston Esq^r Acquaint the House of Assembly, that the Bill to Enable the Legislature to Settle the Quotas of the respective Counties of this Colony, Stands Committed, & is now under the Consideration of the Committee to whom it is referred.

The House Continued till Wednesday Nov^r 30th 1748.

The House met Present

| | | |
|--|----------------|--------------------|
| The Hon ^{ble} James Alexander | Peter Kemble | } Esq ^r |
| Edward Antill | | |
| James Hude | Thomas Leonard | |
| And ^r Johnston | R. H Morris | |

The Bill Entituled, An Act for the better Enabling of Creditors to recover their just Debts &c^a was read the second time and Committed to the Gentlemen of the Council, or any three of them.

A Petition of John Styles, to the Governour, Council, & Assembly, was read, Setting forth, that the Rioters had in the year 1746, dispossessed him of his Plantation and that they still keep Possession of the same, therefore pray'd relief, thereon.

Ordered that the said Petition be referred to the same Committee, to whom the Att^y Gen^l Certificate, & other informations were referred

Was read a Copy of a Letter to His Excell^y the Governour; from Uzal Ogden, & Matthias Hetfield, two of the Commissioners, appointed Pursuant to the late Instrument of Pardon of the Rioters, giving an Account of the behaviour of about two Hundred of the Rioters before them, and of their Proceedings, together with an Affidavit of the s^d Uzal Ogden, taken yesterday, before four of the Members of this House; that the same is a true Copy of the s^d Letter, in which he also deposes that the Goal of the County of Essex was on Monday Last Riotously broke open, & one Amos Roberts, therein Committed by Process from the Sup^r Court, on an Indictment for High Treason was Riotously rescued.

Ordered, that it be referred to the same Committee as above.

The Speaker Laid before this House, a Petition given to him by His Excellency, to be laid before this House from one James Bruff, a Prisoner committed to the Goal of the Bor^o of Elizabeth, on Suspicion of being Concern'd in Counterfeiting pieces of Eight: Directed to His Excell^y the Governour Praying a special Commission might Issue for holding a Court in Essex County, in Order to have his trial.

Ordered that it be referred to the same Committee as above and also to the Committee appointed to Consider of the Money Coiners.

M^r Johnson reported that he Obedyed the Order of the House of Yesterday.

The House resolved itself into a Committee of the whole House, to Consider of the Traitors, and Rioters, and after some time spent therein, M^r Hude Chairman, of the Committee reported, that they had made some progress, in that matter to them referred, & desired leave to sit again, to which the House agreed.

The House Continued till Three O'Clock in the afternoon.

The House met Present

| | | |
|--|---------------------------|--------------------|
| The Hon ^{ble} James Alexander | And ^r Johnston | } Esq ^r |
| R. H. Morris | | |
| Edward Antill | Peter Kemble | |
| James Hude | Tho ^s Leonard | |

The Deputy Secretary laid before this House a List of the names of ffourteen of the Rioters, who had taken the Oaths, & also their Bonds, taken before Uzal Ogden, & Matthias Hatfield Specially appointed for that purpose, Pursuant to the Instrum^t of Pardon, which were filed in the Sup^r Court, in the last Term

The House Continued till Thursday, Dec^r 1st 1748.

The House met Present

| | | |
|--|-----------------|--------------------|
| The Hon ^{ble} James Alexander | Andrew Johnston | } Esq ^r |
| R. H. Morris | | |
| Edward Antill | Peter Kemble | |
| James Hude | Thomas Leonard | |

Andrew Johnston Esq^r President of the Council of Proprietors of the Eastern Division of this Province, presented to this House a Memorial in the following words :

To His Excellency Jonathan Belcher Esq^r Captain General & Governour in Chief, in and over His Majesty's Prov-

ince of New Jersey, and Territories depending thereon in America, & Vice Admiral in the same

To the Honourable His Majesty's Council for the said province. and

To the Honourable the House of Representatives of the s^d Province, in General Assembly met

The Memorial, & representation of the Council of Proprietors of the Eastern division of the said Province of New Jersey in behalf of themselves, & the rest of the Gen^l Proprietors of the Soil of the said Eastern division, & of the persons claiming under them

Humbly sheweth

That New Jersey among other Tracts of Land in America was Granted by King Charles the second to His Royal Highness James Duke of York, and by him Conveyed to L^d Berkly, & Sir George Carteret, in the year 1664 who began to plant & improve the same, That S^r George Carteret being by a partition Entitled to the Eastern part of the s^d Province made Considerable improvem^t & brought into the Province great numbers of Inhabitants, to whom he gave Lands, as an Incouragem^t

That the s^d Eastern part or division of N. Jersey together with the powers of Government was afterwards Conveyed to twenty ffour persons who were Called the Gen^l Proprietors and who went on in planting and improving the s^d Province, at their own very great cost and Charge.

That the Proprietors Exercised the Powers of Governmen^t in the s^d Province from the time of their Grant, till the year 1702 when they made a Surrender thereof to the Crown; reserving to themselves, the Soil, & all things properly appertaining thereto.

That Her late Majesty Queen Anne of Glorious Memory, was Graciously pleased to Accept of the s^d Surrender, & to take the s^d Province of N. Jersey under her immediate Administration & Governm^t and was also most Graciously pleased, upon her Royal word, to promise the protection of

the Crown of England, to the Proprietors, & people of N. Jersey in all their Civil and Religious rights.

That your Memorialists, their Ancestors & Predecessors have always demean'd themselves with great Submission to the Royal Authority, & to the Government, & Laws Exercised in the s^d Province; and in return think themselves Entitled, to have their rights, & propertys maintain'd, & Protected by those Laws, to which they have been Obedient, & Submissive.

But so it is, may it please your Excellency and Honour, That great Numbers of Men taking Advantage of a dispute Subsisting between the Branches of the Legislature of this Province, & of a most unnatural rebellion at that time raging in Great Britain, Entered into a Combination, to Subvert the Laws, & Constitution of the Province, & to Obstruct the Course of Legal Proceedings; to which end, they, by false Tales, & wicked Insinuations, Artfully invented, & industriously spread abroad, endeavour'd to infuse, into the minds of the people, That His most Sacred Majesty, nor his Noble Progenitors, Kings & Queens of England, had not any right whatsoever, to the Soil of America; & that his, & their Grants thereof, were Void & fraudulent. And having by these means, Associated to themselves great numbers of the Poor, & Ignorant Part of the People of this Province; They in the Month of September 1745 began to carry into Execution, their Wicked Schemes, when in a Riotous manner, they broke open the Goal of the County of Essex, & took from thence, a prisoner there Confin'd by due Process of Law; And have since that time, gone on like a Torrent bearing down all before them; & Trampling on all Law, & authority; as is well known to Your Excell^y & Honours, so that the Laws, & His Majesty's Authority, Cease to be that Protection to the lives, & Property's of the People, His Majesty intends they should be.

It is with the greatest Concern, your Memorialists Observe, that the Endeavours of the Governm^t & Magistrates, to put

the Laws in Execution, have been hitherto in vain, for notwithstanding, many of these Common disturbers stand Indicted for High Treason, in Levying War against our Sovereign Lord the King, yet such is the weakness of this Governm^t that they have not been able, to bring one of them to Tryal, & Punishm^t but they go at Large through the Province, Exciting the People to Rebellion, & doing their Endeavours, to prevent them from Submitting to the Governm^t

The Contempt, with which these people have treated His Majesty's Gracious Mercy, Extended to them by an Instrument of Pardon under the Great Seal of this Province & the Lenety of the Legislature, but too plainly shows the resolution they have taken, to maintain, & defend themselves by Force against His Majesty's Authority & Governm^t and to throw off their dependance upon the Crown of Britain.

That his Most Sacred Majesty by his High & Kingly Office; & the duty's inseparably annexed to the British Throne is Solemnly engaged, to protect His People in the Quiet enjoym^t of their lives, & Property's while they behave themselves with duty to his Authority, & Obedience to the Laws, & agreeable to the Constitutions of these his remote dominions; has been Graciously Pleased to Entrust the powers necessary, to Answer those good ends, with your Excellency, & Honours; Who he expects will do every thing in their Power for the Preservation of his Peace, the Support of His Royal Authority, & the maintenance of the Laws of the Country.

That as these disturbances have Subsisted for a long time in which, His Majesty's Sacred name, & Kingly power have been most Publicly slighted, & Contemned. Should they be suffered to go on much longer, your Memorialists, with reason apprehend, the resentment of His Majesty, & a British Parliament may be extended, to the Province in General; & thereby the innocent made to suffer in Common with the Guilty.

It is with very great Concern, we find ourselves laid under a necessity, of making our Application, to your Excellency & Honours, but such is the Present state of the Province; that we cannot in duty to ourselves, or those we represent, any longer delay it.

Your Memorialists therefore humbly hope your Excellency & Honours, will Effectually Interpose at this time, in Support of His Majesty's Authority, & Governm^t & by such ways & methods, as to your Excellency & Honours shall seem most fit to Strengthen the hands of His Majesty's Government and Officers, so as to Enable them, to Carry into Execution the Laws of the Land; & thereby to Secure, & protect the Persons, and Estates of Your Memorialists, & others, within the said Province; & to restore, & preserve to them, & their Posterity the blessings of Domestick Peace

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|---|-----------------------------------|
| Perth Amboy | } By Order of the Council of Pro- |
| Novemb ^r 30 th 1748 | |
| | prietors |
| | ANDREW JOHNSTON President |

Ordered, that it be referred to the Committee appointed to Consider of the Traitors, & Rioters &c

The House Continued till Three O'Clock in the Afternoon

The House met Present
as in the Morning

The Speaker laid before this House an Affidavit of one John Styles,¹ Deputy Sheriff of the County of Essex & Also Keeper of the Goal of s^d County, setting forth, that one Amos Roberts on Monday last in the Morning, was Committed to the Goal of the County of Essex, by W^m Chetwood Esq^r High Sheriff of s^d County, by virtue of a Process for Treason; and that in the Evening of the same day, a number of Persons, between twenty & thirty, came in a Riotous manner, & broke open the Goal of the County afores^d & rescued s^d Amos Roberts, therein Committed as afores^d & Carried him Off Huzzaing

¹ N. J. Archives, VII., 178.

M^r Stelle, & M^r fisher from the House of Assembly Presented for the Concurrence of this House, a Bill Entituled, An Act to Enable the Inhabitants of the County of Middlesex, to Build a Work House, & House of Correction, within the s^d County, & to make rules, & Orders for the Government of the same.

A Message from the House of Assembly in the following words

Ordered, that M^r Crane, & M^r Hopkins, wait on the Council, & Acquaint them, that this House desire to be informed what Progress they have made in the Bill for the more Effectual Preventing of Lotteries &c^a & in the Bill to Erect, & Establish Courts, in the several Counties of this Colony &c^a, and also in the Bill for the better Enabling of Creditors to recover their just Debts from persons who Abscond themselves.

THO^s BARTOW Clk

This House having rec^d information, that on Tuesday night last there was a Meeting of a great Number of Rioters, at the Widow Hamptons in Raway, & that Amos Roberts was amongst them & that they were entring into a Combination under Oath, and that Eliphalet Frazey, & Long Abraham Shotwell had been present & refused to Enter into said Combination

Ordered, that the said Eliphat Frazey & Abraham Shotwell, do attend this House, to Testify in behalf, of our Sovereign Lord the King; and that the Sarjeant at Arms do bring them before this House with all speed.

The House Continued till Friday December 2^d 1748

The House met Present

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| The Hon ^{ble} James Alexander | Andrew Johnston | } Eeq ^{rs} |
| R. H. Morris | | |
| Edward Antill | Peter Kemble | |
| James Hude | Thomas Leonard | |

Yesterday this House Examined Ralph Smith Esq^r one of His Majesty's Justices of the Peace for the County of Hunterdon, & now this day, his Examination being Copied fair, he deposed thereto which being read, it Appears amongst other things he has declared that about three weeks ago one Roberts was at his House, & he said to the deponant, that he was going to Settle the Peace of the Province, that the depon^t afterwards had heard that the s^d Roberts, had, had several Meetings with the Rioters in Hunt: County, & had added two men, to Wit, John Belleau & John Burbridge to the Committee of these Rioters, that on 14th of September last two Persons came in Voluntarily before the Depon^t & declared their Grief for being Concerned with the Rioters, that before they were Concerned with them, the Rioters threatened, that if they did not join & assist them, they would pull down their Houses, that the said two Persons then Signed a Certificate, before the s^d Ralph Smith to that purpose, which he laid before this House; & that s^d two persons, at same time requested, the depon^t to keep their names Secret, least it should be known to the rest of the Rioters, for then they said they should be in danger of their lives.

Ordered, that it be referred to the Committee appointed to Consider of the Rioters.

M^r Leonard from the Committee, to whom the Bill Entitled, An Act to settle the Quotas of the several County's &c was referred, reported, that the Committee had gone through the same, to which they had made two Amendments, which he was ready to report, when the House would be Pleased to receive the same.

Ordered, that the report be made immediately

Whereupon he read the amendments in their Places, & delivered the same in at the Table.

Ordered, that they be read a second time

And the Amendments being read a Second time was agreed to by the House.

Ordered that the s^d Amendments be Engrossed

The Bill Entituled, An Act to settle the Quotas of the several County's &c with the Engrossed Amendments being read a third time.

and the Question being put

Resolved, that the s^d Bill as amended Do pass

Ordered, that the speaker do sign the same

Ordered, that M^r Leonard do carry the s^d Bill with the Amendments to the House of Assembly, & desire their Concurrence to s^d Amendments.

Ordered, that M^r Leonard do acquaint the House of Assembly, that the three Bills mentioned in their Message of Yesterday are under the Consideration of the Committees of this House.

M^r Antill from the Committee to whom the Bill Entituled an Act for the more Effectual Preventing of Lotteries &c was referred, reported that the Committee had gone through the same, to which they had made some Amendments, which he was ready to report, when the House would be pleased to receive the same.

Ordered, that the report be made immediately

Whereupon, he read the Amendments in their places and delivered the same in at the Table.

Ordered, that they be read a second time

And the Amendments being read a second time, was agreed to by the House.

Ordered that the s^d Amendments be Engross'd

The House Continued till

Three O'Clock in the Afternoon

The House Met Present as before

The Bill Entituled an Act for the more Effectual preventing of Lottery's &c with the Engross'd Amendments was read a third time.

And the Question being put.

Resolved, that the s^d Bill as amended do pass

Ordered, that M^r Leonard do carry the s^d Bill with the Amendments to the House of Assembly, & desire their Concurrence to s^d Amendments.

M^r Leonard reported, that he had obeyed the Orders of the House of this morning

Elphalett Frazee, & Abraham Shotwell Sen^r being brought before this House according to the Order of Yesterday were Severally, and apart Examined by this House, & their depositions taken in writing, by which it appears that on tuesday last there was a meeting of the Rioters at the House of the Widow Hampton in Raway, about the number of Sixteen or Seventeen among which were Amos Roberts, & Cap^t Wheeler of Newark, Wycoff & Hageman from beyond Brunswick, & Joseph Smith from Popack, that further Engagements, were there drawing for them to Enter into, that Endeavours & Arguments were used with Abraham Shotwell to join them, such as how fine a thing it was for them to join together in defence of their country. That it appears from these Affidavits, that one John King, and the Widow Hampton can give further information Concerning this matter.

Ordered, that the said John King and the Widow Hampton do attend this House, to testify in behalf of our Sovereign Lord the King, and that the Serjeant at Arms do bring them before this House with all Speed.

The House Continued till

Saturday December 3^d 1748

The House Met Present

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| The Honb ^{le} Ja ^s Alexander Esq ^r Speaker | } |
| M ^r Morris M ^r Johnson | |
| M ^r Antill M ^r Kemble | |
| M ^r Hude M ^r Leonard | |

M^r Leonard reported, that he had obeyed the Order of the House of Yesterday afternoon

The bill Entituled, An Act to Enable the Inhabitants of the County of Middlesex to build a Work House &c was read the first time & Ordered a second reading

A message from the House of Assembly in the following words—

Ordered, that M^r Lawrence, & M^r Leaming, do wait on the Council with the amendments of this House, to the Councils amendments, to the bill for the more effectual preventing of Lotteries &c; & desire their Concurrence to the same

THO^s BARTOW Clk

Which Amendments being three times read, are agreed to by this House.

Ordered that M^r Leonard, do acquaint the House of Assembly, that this House have agreed to the amendments of this House, to the Councils amendments, to the Bill for the more Effectual preventing of Lotteries &c

A Message from the House of Assembly in the following words

Ordered, that M^r Lawrence, and M^r Leaming, wait on the Council, with the Bill to Enable the Legislature to Settle the the Quotas &c, with the Amendm^{ts} of the Council to the same and Acquaint them that this House have rejected the s^d Amendments & adhere to the bill

THO^s BARTOW, Clk

The House Continued till

Tuesday Dec^r 6th 1748.

The House Met Present

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|--|--------------------------|--------------------|
| The Hon ^{ble} James Alexander | Speaker | } Esq ^r |
| Rob ^t H. Morris | Andrew Johnston | |
| Edw ^d Antill | Peter Kemble | |
| James Hude | Tho ^s Leonard | |

The Speaker acquainted the House, that he had procured a Copy of His Excellency's Speech, which was read, and is in the following words

Gentlemen of the Council, & of the General Assembly

Your steady Application to so many of the Affairs of this Session as have lain before you, make me hope that this Court may soon rise, but as yet I don't find any motion made either by the Council or by the House of General Assembly upon what I recommended to you respecting a Villianous Combination of Wicked Persons, who are daily, as the Consumption, in the Body Natural, Gnawing at the very Vitals of all your Estates, & Properties by Counterfeiting the bills of Credit of this Province, & the fforeign Coins passing Current amongst us according to Law. This is an Iniquity to be punished by the Judges, & it is the undoubted duty of the Legislature to Strengthen their hands by some further, Effectual Law, for bringing such bold Offenders to Condign punishment

But Gentlemen, I am sorry to have Occasion to lay before you at this time, & what I have often mentioned; & that is the unhappy situation of this Province, with respect to the great number of Rioters, in so many parts of it; & this, notwithstanding the Great Lenety of the Govern^t in passing several Laws to draw them into their duty, & Obedience, to the Kings Authority & to the Laws of the land. The Hon^{ble} the Council of Proprietors of the Eastern Division of this Province, have lately Presented me with a large Memorial of Complaint on this head, & the Sheriff of the County of Essex, has laid before me an Acc^t of these Audacious Villians forcing open the doors of the County Goal, & delivering out a most notorious wicked Ringleader among these Rioters, who stood there Committed for High Treason, & I have had brought me many other informations in this Affair, which the Secretary shall deliver you, & I believe you will then think with me that these things are done in a sort of open Rebellion, against our Sovereign Lord the King, His Crown, & Dignity, & in manifest Contempt of all Laws Divine & Humane. It is then the indispensable Duty we owe to God, to the King,

¹ John Styles, Deputy Sheriff and keeper of the goal, N. J. Archives, VII., 350, 433.

& to the Present & rising Generation in this Province, no longer to dally or delay, but to rouse out of Sleep, and do every Possible thing in our power for Suppressing & bringing to an end those dreadful Confusions.

And I must now Apply my self to you Gentlemen of the General Assembly, in whose Province it Lies, to Grant Money for the Support & protection of the Kings Governm^t & the Officers, & others in the Execution of their Duty, that you would chearfully do what may be necessary & then I believe we should Soon see those Clouds Scatter & be lost.

Gentlemen of the Council & of the General Assembly

The eyes of our Neighbours, as well as all those of this Province who are honest good men, & Loyal Subjects to His Majesty, are fix'd, & waiting upon the Councils, & final determinations of this Legislature in their present Session; let me then Conjure you by the love to the Great blessing of good Governm^t; by that strong Inducement self Interest, & in love to your Posterity, that you would without delay in good Earnest apply your selves to the finding out some Effectual method for Crushing this vile Spirit of Subverting all good rule & Order

Perth Amboy }
Dec^r 3rd 1748 }

J. BELCHER

Resolved, that an humble Address be presented to His Excellency in Answ^r thereto

Ordered, that the Chief Justice, M^r Antill, & M^r Hude be a Committee to prepare a draught of the same, and report it to this House with all Expedition

M^r Fisher, & M^r Leaming, from the House of Assembly presented for the Concurrence of this House, a Bill Entitled an act for the support of the Government of His Majesty's Colony of New Jersey for one year, to Commence the tenth day of August, one thousand seven hundred and forty eight; & to end the tenth day of August one thousand seven hun-

dred and fforty nine, & to discharge the Publick Debts, & the Arrearages, & Contingent Charges thereof, which bill was read the first time, & Ordered a second reading.

The Clerk of this board having on ffriday last (by Order of this House) delivered to His Excellency the Governor, the Depositions & papers taken by, and laid before this House Concerning the Rioters which are those Chiefly referred to in His Excellency's Speech, the Clerk of this House by Order thereof has made Copy's of the whole, & attested them for the use of this House, & by Order of His Excell^y & Consent of this House, delivered them Yesterday to the Speaker of the House of Assembly then sitting, as what was referred to in His Excellency's Speech.

The Speaker laid before this House the Deposition of John King, taken before himself, Chief Justice, & M^r Leonard, on Saturday last & the depositions of Elizabeth Hampton,¹ & John Bird her Son, taken before him, & M^r Johnston Yesterday, by which is Confirmed what was said in the depositions of Eliphalet Frazee, & Abraham Shotwell,² & particularly that further Engagements were entring into by them, for standing by one another, & for raising Money; and the Widow Hampton saw amongst them papers with several Seals to them, which She understood for that purpose; that it was a Meeting before appointed by these people to be at her house—were understood to be Committee Men of the Rioters; that the first News of Roberts being in Goal Came to her house at Breakfast time on tuesday last, that most of the same Men had been at Another Meeting at her house in the first or Second Week in October Last and at Another Meeting there on the ffourth Tuesday in September last.

The Speaker also laid before this House the deposition of John Kenny of Morris County, taken Yesterday before himself, & M^r Johnston, by which it appears, that the Committee of the Rioters do Tax the Rioters sums of Money for the Support of their pretended rights, that one of the Rioters

¹ Sec. N. J. Archives, VII., 181.

² Ibid., 179.

had lately been Taxed £13 ,, — ,, — & that he said he had been from time to time Taxed so much before, that with that £13 ,, — ,, — he might have bought his Plantation from the Proprietors for it, that he being Entrusted with the Care of the Lands of Mess^{rs} Penns Proprietors of Pennsylvania which lye in Morris County in this province he has been often for several years past informed by the Tenants on that Land, that John Cundit one of the Rioters Committee at Newark, Samuel Harrison a Justice of the Peace in Essex, with others had been tempering with them to take Leases for their Possessions, of the Rioters Committee at Newark, that he believed they had all refus'd to Comply with their Importunity's & threats, till about the beginning of August last; when he saw the said Cundit & Harrison, & one Young in Morris County, & that they had then drawn over three of the said Tenants but all the rest refused. Says he is well acquainted with the Lands in Turkey belonging to Kearneys Children, Ashfields Children, Dunstar, Alexander & Dockwra, & that they had been the best Timber'd Land in New Jersey, that daily for three years past 10 or 12 Team of Staves & Heading has been Carried off by the Rioters, so that now scarcely any good Timber is left that can be easily Approached by a Team upon these Lands.

Ordered, that the Clerk of this Board make Attested Copies of the said four Depositions, & lay the Originals before His Excellency, & if His Excellency pleases to lay them before the House of Assembly.

M^r Leonard reported that he had Obedyed the Order of the House of Saturday last.

A Message from the House of Assembly in the following words.

Ordered, that M^r Kearney, & M^r Crane, wait on the Council with the bill Engrossed with the Amendments of the Council, & Amendments of this House to s^d Amendments, Entitled, An Act for the more Effectual Preventing of Lot-

teries &c, & acquaint them that this House have passed the same as now Engrossed.

THO^r BARTOW Clk

Which bill being compared

Ordered, that the Speaker do sign the same

The House Continued till

Three O'Clock in the afternoon

The House met Present as before

The bill Entituled, An Act to Enable the Inhabitants of the County of Middlesex to build a work House &c was read a second time, & Committed to the Gentlemen of the Council or any three of them.

The bill Entituled, An Act for the Support of the Government of His Majesty's Colony of New Jersey &c was read a second time, and Committed to the Gentlemen of the Council, or any three of them.

This House taking into Consideration the Message of the House of Assembly by M^r Lawrence & M^r Leaming of Saturday last, acquainting this House, that the House of Assembly rejected the Amendments made by this House to the bill Entituled, An Act to Enable the legislature to settle the Quotas of the several Counties &c

And the Question being put, whether the House Adhere to their Amendments?

It was Carried in the Affirmative.

Ordered, that M^r Leonard do Carry the s^d bill to the House of Assembly, & Acquaint them that this House Adhere to their Amendments.

The House Continued till

Wednesday December 7th 1748

The House met Present

The Hon^{ble} James Alexander Esq^r Speaker

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|----------------------|--------------------------|--------------------|
| Robert Hunter Morris | Andrew Johnston | } Esq ^r |
| Edward Antill | Peter Kemble | |
| James Hude | Tho ^r Leonard | |

The Speaker laid before this House the further Deposition of John Kenny taken yesterday before him, by which it appears that he is Intrusted with the Care of the Lands in the Counties of Essex, Somerset, & Hunterdon belonging to Mess^{rs} Penns in this Province that the last Winter before this present Winter he had received information of a great Destruction of the Timber on the land belonging to said Penns in Morris County, & that the Timber so cut was Carried to the Saw Mill of one Jonathan Whitaker, a Justice of the Peace in the County of Somerset, that the said Kenny went to said Saw Mill, & there saw about a hundred Gum Logs lying about said Mill, & upon the ends of s^d Logs found the Initial letters of the names of the Persons who had brought them, by which said Kenny knew many of the Owners, that there were some Logs mark'd with letters whose Owners s^d Kenny knew not, upon which he ask'd Whitaker who they were, which Whitaker refus'd to tell him, but answered, do you think me such a fool as to tell you, it's my Interest to draw Custom to my Mill, but that would be the ready way, to drive it away, s^d Kenny then demanded a Summons of s^d Justice Whitaker against those Men the Depon^t knew, which Whitaker also refus'd, saying if the Logs had been taken from a poor man or an honest man it had been another thing, but there was no such thing in Nature as to wrong the Devilish Proprietors for, said he, I don't believe there's a drop of honest Blood amongst the whole Proprietors, & their Council—That s^d Whitaker is a Tennant on Penns Lands in Somerset County, & s^d Kenny believes paid rent to

one M^r Kaine, another person join'd with said Kenny, in the Care of said Penns Lands—That some of the persons whose marks were found on the s^d Logs Offered to make some small satisfaction, but some time after they retracted their offers—and never since have made any Satisfaction to s^d Penns or Kenny to his Knowledge or belief—That he has often been with said Whitaker on this and other occasions, & by his frequent revilings of the Proprietors, & Speeches in favour of the Mob Men, he believes him to be a Countenancer of the Mob Men.

Ordered, that the Clerk of this board make an Attested Copy of the s^d Deposition, and lay the Original before His Excellency, and if His Excellency pleases, to lay it before the House of Assembly.

M^r Leonard reported that he had Obeyed the Order of the House of Yesterday afternoon

M^r Morris from the Committee appointed to prepare a Draught of an Address, in answer to His Excellencys Speech reported that the Committee had prepared an Address accordingly which was read & Sundry Amendments being made thereto was approved of, & Ordered to be Engrossed.

The House Continued till

Three O'Clock in the afternoon

The House met Present as before.

The Clerk informed this House that by Order of His Excellency the Governor, he had this [day] delivered to the Speaker of the Assembly, the Depositions of Elizabeth Hampton, John Bird & John Kenny, that before he had delivered those Depositions, he had made Attested Copies of them for the use of this House.

The Engrossed Address being read & Examined

Ordered, that the Speaker sign the same

Ordered, that the Chief Justice, & M^r Johnston do wait

on His Excellency, & Acquaint him that the House is ready to Attend him with the said Address, when His Excellency will be pleased to receive the same.

The House resolv'd itself into a Committee of the whole House to Consider of the Traitors, & Rioters, & after some time spent therein M^r Hude Chairman reported that they had made some further progress in that matter, & hoped to make a final report tomorrow morning, & desired leave to sit again for that purpose, to which the House agreed :

The House Continued till

Thursday December 8th 1748

The House met Present

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|---|-----------------|
| The Honb ^{le} James Alexander Esq ^r Speaker | |
| Rob ^t H. Morris | Andrew Johnston |
| Edward Antill | Peter Kemble |
| James Hude | Thomas Leonard |
| } Esq ^{rs} | |

A Message from the House of Assembly in the following words,

Ordered, that M^r Vanmiddlesworth & M^r Hancock wait on the Council, & Acquaint them that this House desire to be informed what further Progress the Council have made in the bills which they Signified were under the Consideration of Committees on the 2^d Inst: And also what Progress they have made in the other Bills sent from this House for their Concurrence, & which remain with them

THO^s BARTOW Clk

M^r Chief Justice, & M^r Johnston, reported that they had waited on His Excellency, who was pleased to say he would be ready to receive the Address of this House, to'morrow morning at eleven O'Clock.

The House Continued till

Two O'Clock in the Afternoon

The House met Present as before

M^r Leonard, reported that he had delivered the Message of this House of this morning, to the Speaker of the Assembly, the House then sitting

M^r Morris, from the Committee to whom was referred the Affidavits, & papers relating to the Money Makers, reported that they had gone through the same, & were of Opinion, that it was almost Impossible to Convict any of those Criminals in the County of Morris, where there appeared to be very great Numbers of Persons Concerned. And as the County of Essex, & some other Counties were in a State of Rebellion, it would be dangerous to hold Courts of Oyer & Terminer & Goal delivery in them, as it would Subject the Judges and Officers of such Courts to the Insults of a rebellious Mob. The Committee are therefore of Opinion, that a Bill be prepared & brought in to Enable His Excellency the Gov^r or the Commander in Chief for the time being to Grant Commissions at any time for One Year to Come, & untill the End of the next Sessions of General Assembly for Trying the Persons Concern'd in the Counterfeiting & Coining of Money in such County & by Juries of such Countys as he or they, by the Advice of His Majesty's Council shall think fit: And the Committee are further of Opinion, that as the apprehending, Transporting, & Trying the several Persons accused of being Confederate in the Coining & Counterfeiting Money will be attended with very Considerable Charge & Cannot be done unless a sufficient Sum of Money be provided; as there is no Money appropriated for paying the Contingent Charges of the Government; the Committee therefore propose that, a Conference be demanded of the House of Assembly upon the subject, matter of the Coiners, & Counterfeiters of Money: And that the Committee appointed to Conferr be Instructed to inform the Committee of the Assembly, what this House proposes to do, relating to

this Matter; & to recommend it to them to make provision of Money for defraying the necessary Charges attending the Apprehending, & prosecuting the Criminals.

To which report the House agreed

Ordered, that M^r Morris, & M^r Hude, be a Committee to Prepare, & bring in a Bill to Enable His Excellency, or the Commander in Chief for the time being at any time within two years, & untill the end of the next sessions of General Assembly thereafter, to Grant Commissions for trying any of the persons Guilty of Coining or Counterfeiting money or Accessary's thereunto, in such of the Counties of this Province, as He by the advice of His Majesty's Council shall think fit.

Resolved, that a Conference be demanded with the House of Assembly upon the Subject Matter of the Coiners, and Counterfeiters of Money.

Ordered, that M^r Morris do wait on the House of Assembly, & request them to appoint a Committee, to Confer with a Committee of this House, on the Subject matter of the Coiners and Counterfeiters of Money; & at the same time Acquaint them, that, this House have appointed M^r Morris, M^r Antill, & M^r Kemble assisted by the Speaker, to be a Committee to Confer with such Committee as the House of Assembly shall appoint for that Purpose.

Resolved, that the following Instructions be given to the Committee of this House, upon the said Conference;

1st to inform the Assembly's Committee, that this House propose to bring in, & pass a bill for Enabling the Governor or Commander in Chief of this Province for the time being, to Grant Commissions for the trying any of the persons Guilty of Coining & Counterfeiting the money in such County, as by the Advice of His Majesty's Council shall be thought fit; & to give them the reasons that Induce this House to take that step.

2^d To recommend it to the Assembly's Committee, in the Strongest Terms, to provide for the necessary Charge of Apprehending, & bringing those people to Justice.

3^dy To Communicate to the Assembly's Committee the severall Affidavits, Examinations, & papers relating to this Matter.

The House Continued till

Friday December 9th 1748

The House met Present

| | | |
|---|---------------------------|--------------------|
| The Hon ^{ble} Ja ^s Alexander Esq ^r Speaker | | |
| Rob ^t H. Morris | And ^r Johnston | } Esq ^r |
| Edward Antill | Peter Kemble | |
| James Hude | Tho ^s Leonard | |

M^r Hude from the Committee, appointed to join a Committee of the House of Assembly, to Inspect & burn the Cancelled Bills of Credit in the hands of Andrew Johnston Esq^r reported that the Committee was ready to make report thereof when the House would be pleased to receive the same

Ordered, that the report be made immediately

The Committees appointed to Inspect, & burn the Cancelled Bills of Credit, agree that James Hude Esq^r make the following report to the Council Viz^t

That there should have been Cancelled in Bills of Credit & brought into the Treasury of the Eastern Division, from the several Countys therein of the £20,000 in the year 1744, 1745, 1746, 1747, 1748, & of the £40,000 in the Years 1746, 1747, & 1748, as follows Viz^t

| | | | | |
|----------------|---------------------------------|----------------|-----------------|-----------------|
| Bergen..... | Of the 20,000 in each year..... | 204 ,, 15 ,, — | 1023 ,, 15 ,, — | 2252 " 5 ,, — |
| | of the 40,000..... | 409 ,, 10 ,, — | 1228 ,, 10 ,, — | |
| Essex..... | Of the 20,000..... | 840 ,, 5 ,, — | 1701 ,, 5 ,, — | 3949 ,, 12 ,, 6 |
| | a deficiency reported in 1748 | | 206 ,, 17 ,, 6 | |
| | Of the 40,000..... | 680 ,, 10 ,, — | 2041 ,, 10 ,, — | |
| Middlesex..... | Of the 20,000..... | 287 ,, 5 ,, — | 1436 ,, 5 ,, — | 3159 ,, 15 ,, — |
| | Of the 40,000..... | 574 ,, 10 ,, — | 1723 ,, 10 ,, — | |

| | | | |
|---------------------------------|----------------|----------------|--------------------|
| Monmouth..Of the 20,000..... | 423 ,, 17 ,, 6 | 2119 ,, 7 ,, 6 | |
| a deficiency reported in 1748 | | 12 ,, 5 ,, 9 | |
| Of the 40,000..... | 847 ,, 15 ,, — | 2843 ,, 5 ,, — | |
| | | | 4674 ,, 18 ,, 3. |
| Somerset.....Of the 20,000..... | 97 ,, 10 ,, — | 487 ,, 10 ,, — | |
| Of the 40,000..... | 195 ,, — ,, — | 585 ,, — ,, — | |
| | | | 1072 ,, 10 ,, — |
| | | | £15,109 ,, 0 ,, 9. |

That Andrew Johnston Esq^r Treasurer of the said Division laid before the Committee 48 bundles of Cancell'd bills which were examined & burnt by them brought into the Treasury from the Several Counties as follows Viz^t

| | |
|-----------------------------------|------------------|
| Bergen 5 bundles Containing | 2252 ,, 5 ,, — |
| Essex 11..... | 3925 ,, 4 ,, — |
| Middlesex 6..... | 3159 ,, 15 ,, — |
| Monmouth 20..... | 3760 ,, 8 ,, 10 |
| Somerset 6..... | 1072 ,, 10 ,, — |
| | 14170 ,, 3 ,, 10 |

By which it appears that Essex

is deficient..... 24 ,, 8 ,, 6

Monmouth 914 ,, 9 ,, 5

938 ,, 17 ,, 11

£15,109 ,, 0 ,, 9

That the said Treasurer also laid before the Committees 4 bundles of Cancelled ragged & torn Bills, received by him in Exchange for new bills, which ragged bills were examined & burnt by the Committees Amounting to..... 754 ,, 18 ,, 6

By Order of the Committees

JOHN EATTON

JAS: HUDE

M^r Chief Justice reported that he had Obeyed the Order of this House of Yesterday afternoon.

M^r Chief Justice Chairman of the Committee to whom it was referred to bring in the bills Ordered Yesterday, reported that as they found the necessity's nearly alike as to

the Traitors Rioters Counterfeiters, & Coiners, so they Conceived so far as they were alike, they ought to have the like Remedy's, & therefore had prepared a bill, Entituled, An Act for the more Speedy Tryal of such persons as have been Guilty of the late Treasons & Riots, & of Counterfeiting the bills of Credit, & the Coins passing Current within this Province.

Which bill was read a first time, & Ordered a second reading.

M^r Hude from the said Cummittee laid before this House a bill, Entituled, An Act for the Attainder & Conviction of Amos Roberts, Simon Wycoff and others therein named, of the Treasons & Riots, of which they respectively stand Indicted, or Accused, unless they shall render themselves to Justice by a day Certain therein named.

Which Bill was read a first time & Ordered a second reading:

The Council waited on the Governor, with their address before mentioned, Which is in the following words

To His Excellency Jonathan Belcher Esq^r Captain General & Governor in Chief in and Over His Majesty's Province of New Jersey, and Territories thereon depending in America Chancellor, & Vice Admiral in the same

The Humble Address of His Majesty's Council for the Province of New Jersey in General Assembly met

May it please Yor Excellency

We beg Your Excellency to Accept of the thanks of His Majesty's Council, for your favourable Speech to both Houses, delivered on the third Instant, wherein you have, with so much Justice, Express'd the unhappy Circumstances of this province; and the dangerous Consequences, that must attend our Suffering the Spirit of Rebellion any longer to pass unpunished; And we do assure your Excellency we are highly Sensible of the just regard you shew for the true Interest &

Peace of this Province, & your zeal for His Majesty's Authority and Government which, as your Excellency Observes, has been treated with great Contempt.

What your Excellency Recommended to us at the Opening of this Sessions, relating to the Coining, & Counterfeiting Money we had under our Consideration, very soon after our meeting at this place, & referred the same to a Committee, who had made a Considerable progress in the matter; and upon this Head, we think it our duty to Observe to your Excellency, that Sundry of the Magistrates and Officers of the County of Morris, the place where most of this Villainous practice has been Carried on, have been, and still are very remiss & negligent in discharge of the duties of their Offices, which has much Contributed to the Growth of that Villainy there: And notwithstanding the Discovery's that have been made, & the numbers that have been taken and Examined, we have reason to believe the thing is not yet Searched to the bottom.

As the Province is at present Circumstanced, we think the Aid of the Legislature necessary for bringing these Criminals to Justice, and shall, as soon as possible, propose some Laws for that purpose.

We are heartily Concern'd to find, by Sundry Affidavits and Examinations, that were under our Consideration at the time we were favoured, with your Excellency's Speech, that the great, & unexampled, Lenety of the Government, towards the Disturbers of the Province, had been treated with such Contempt that only twenty three, of the many hundreds, that stood in need of the pardon offered them, had Submitted themselves, and taken the Oaths to the Government; and only nine of them have conformed to the Terms Prescribed in the Pardon: This; may it please your Excellency, but too plainly shews that those bold, & daring People are determined to go on in prosecution of their Traiterous designs against the Kings Authority and Laws; and to set the Government at open defiance; and their new Associations, Collecting of Money,

taking one of their Captains out of Goal, who stood charged of High Treason, at this time, when the Legislature is Sitting; are fully sufficient to show what is to be expected from the growth and increase of these Rebellious people, if some Vigorous, and Effectual measures are not taken to put a stop to their Progress

We assure your Excellency we have the Interest and welfare of the Province too much at Heart, and are too deeply affected with the misery of many of our fellow Subjects, to whom the Laws Cease to be a protection, to Suffer our selves to Sleep when we are Surrounded with dangers, that threaten the Destruction of all our Property's, and strike at the very foundation of our dependance on the Crown of Britain: And your Excellency must have observed that we have been always wakeful in this Affair, and have done our utmost Endeavours to put an end to these disorders.

We beg leave to Inform Your Excellency, that ever since our meeting, we have given this Affair our Chief attention, as we Esteem'd it a matter of the Greatest Importance; we have taken many Examinations, which from time to time had been laid before your Excellency, and have got the best information we Could relating to the practices, & further designs of those daring disturbers, and we are now employed in considering of those remedy's that may be most Adequate to the purpose.

As the Legislature is now sitting, and have this Important affair under their Consideration, it will, as your Excellency justly Observes, be of most Pernicious Consequence to rise without coming into some Vigirous Measures for restoring the Peace of the Province; we therefore hope your Excellency will not put an end to this Sessions, till the several branches of the Legislature have had full time to Consider of this matter, and to agree upon the proper remedies.

We are very sorry to tell your Excellency that these disturbances have now Subsisted so long, and the Persons Concerned in carrying them on are Grown so strong, that there

is an absolute necessity of a Vigourous Interposition of the Legislature, in Order to restore to the people the benefit of the Laws & save this unhappy province from falling a prey to a Lawless and rebellious Mobb, who Trample upon the rights of mankind, and have the Insolence to treat His Majesty's name and Sacred Authority with the most Contemptuous Slights.

To put a stop to these Extraordinary Proceedings, we shall do our utmost Endeavours, in our Legislative Capacity, to obtain Proper Laws for giving strength to His Majesty's Government, and Enabling your Excellency to protect the persons & Estates of his Majesty's Subjects Committed to Your Charge: And if we find that we Cannot put an end to these disorders among ourselves, we shall then, as in duty bound, be ready to join with your Excellency in laying the State and Condition of this province at His Majesty's feet, from whose paternal Care he have reason to expect that protection, which, to the Glory, & Honour of His Reign, He has always Extended to His most remote Dominions, and to all that have the happiness to live in Subjection to His Authority.

By Order of the House

JAMES ALEXANDER Speaker

Perth Amboy }
December 7th 1748 }

The Council being returned, the Speaker reported that they had delivered their s^d Address to His Excellency, who favourably received it, & said he would send an Answer.

M^r Kemble from the Committee to whom the Bill Entitled An Act to Enable the Inhabitants of the County of Middlesex to build a Work House, & House of Correction within the said County, & to make rules & Orders for the Governm^t of the same was Committed, reported the same without Amendment,

To which the House agreed

Ordered, that the said Bill be read the third time which was done accordingly.

And the Question being put, whether that Bill pass or not?

It passed in the Affirmative

Resolved, that the same do pass.

Ordered, that the Speaker do sign the same

Ordered, that M^r Johnston, do wait on the House of Assembly, & Acquaint them that the bill Entituled An Act to Enable the Inhabitants of the County of Middlesex to Build a Work House, & House of Correction within the s^d County, & to make rules, & Orders for the Government of the same, passed this House this day.

M^r Hude from the Committee, to whom the bill, Entituled An Act to Erect & Establish Courts, in the several Counties of this Colony for the Tryal of small Causes, was referred, reported the same with one Amendment, which he read in its place & delivered the same in at the Table

Ordered, that the said Amendment be read a second time, which was done accordingly & agreed to by the House:

Ordered, that the said Amendment be Engrossed

The bill with the Engross'd Amendments being read a third time, and the Question put; whether the said bill do now Pass?

The previous Question was put, whether the said Question be now put?

It was Carried in the Negative.

The House Continued till

Three O'Clock in the afternoon

The House met Present as before

His Excellency having by the Secretary, sent for the House of Assembly to receive their address; they attended, when their Speaker addressed himself to His Excellency, & this House, in the following words

May it please your Excellency & Honours

Before I perform the Commands of the Honourable House of Assembly, I humbly Crave leave to declare my Publick

Dissent to this Address, which I am now to deliver to your Excellency; tho by the duty of my Office I have been Obligated to sign the same. And the reason of my Dissent is, that I agree with the Sentiments of Your Excellency in Your last Speech to the Gentlemen of the Council and of the General Assembly, that it is our Indispensible Duty no longer to dally or delay, but to do every possible thing in our Power, for Suppressing & bringing to an end the dreadful Confusions in this province, occasioned by the progress of the Rioters, and their wicked and mischievous Combinations to Subvert all good rule & Order in this His Majesty's Government of New Jersey. I humbly hope your Excellency & Honours will pardon this digression, because I Could not obtain the Liberty of having my Dissent entred upon the Minutes of our House: I have therefore reduced it to writing, that no misapplication, or misconstruction may be made of my words & meaning; and with Submission, present the same to your Excellency & Honours

SAMUEL NEVILL, Speaker

Perth Amboy, December 9th 1748.

Then the Speaker of the Assembly delivered the Address of that House in the following words

To His Excellency Jonathan Belcher Esq^r Captain General & Governor in Chief in and Over His Majesty's Province of New Jersey, and Territories thereon depending in America, Chancellor & Vice Admiral in the same &^{ca}

The Humble Address of the House of Representatives

May it please Your Excellency

We beg leave to return your Excellency our thanks for the notice You are pleased to take of our steady application to the Affairs of this Session, & to Assure you, that we have been, & Still are, Sincerely disposed to get through the business of it, with all possible dispatch, that we might rise according to our own desires, & your Excellency's Expectation

When Your Excellency, at the opening of this Session, acquainted us with the discovery of a number of persons being Concerned in the Villanous Practices of Counterfeiting our bills of Credit, & the fforeign Coins passing Current amongst us, we apprehended they would have been Punished by the Laws of this Colony; humbly Conceiving, that were they duly put in Execution, they would be (as they were at Trenton) Sufficient to bring the offenders to Condign Punishment; and as we have not heard that the Officers, have met with any Obstruction in the discharge of their duties in that behalf, we Conclude the defect, if any, must be in their Conduct.

We are really sorry Your Excellency meets with the troublesome Occasion of laying before us the unhappy Circumstances of this province with respect to the number of Rioters in it; and this after the great Lenety of the Government to draw them into Obedience to the Kings Authority and the Laws of the land; this we apprehended would have been both their duty, & Interest to have submitted to; but the Accounts laid before us from the County of Essex, of those Audacious Villains fforcing open the doors of the County Goal, & delivering out one of their wicked Ring-leaders, give us to understand, that some of them have slighted the lenity of the Government & Continue in their wanton Obstinacy in opposing the Laws in a most dangerous, & daring manner; It is with the greatest Concern that we think of what may be the Consequences of this Audacious madness, yet we Cannot but be humbly of Opinion, that the Laws now in being ought to be put more fully in Execution, & if then they prove insufficient, their particular defects may be pointed out to the next meeting of Assembly, that they may be able to do what may be further necessary to be done on the Occasion.

This House have passed a bill, in the best manner they are able to do it at this time, for the support of the Government, and the Officers thereof; & they are willing to raise money

Dissent to this Address, which I am now to deliver to your Excellency; tho by the duty of my Office I have been Obligated to sign the same. And the reason of my Dissent is, that I agree with the Sentiments of Your Excellency in Your last Speech to the Gentlemen of the Council and of the General Assembly, that it is our Indispensible Duty no longer to dally or delay, but to do every possible thing in our Power, for Suppressing & bringing to an end the dreadful Confusions in this province, occasioned by the progress of the Rioters, and their wicked and mischievous Combinations to Subvert all good rule & Order in this His Majesty's Government of New Jersey. I humbly hope your Excellency & Honours will pardon this digression, because I Could not obtain the Liberty of having my Dissent entred upon the Minutes of our House: I have therefore reduced it to writing, that no misapplication, or misconstruction may be made of my words & meaning; and with Submission, present the same to your Excellency & Honours

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When Your Excellency, at the opening of this Session, acquainted us with the discovery of a number of persons being Concerned in the Villanous Practices of Counterfeiting our bills of Credit, & the fforeign Coins passing Current amongst us, we apprehended they would have been Punished by the Laws of this Colony; humbly Conceiving, that were they duly put in Execution, they would be (as they were at Trenton) Sufficient to bring the offenders to Condign Punishment; and as we have not heard that the Officers, have met with any Obstruction in the discharge of their duties in that behalf, we Conclude the defect, if any, must be in their Conduct.

We are really sorry Your Excellency meets with the troublesome Occasion of laying before us the unhappy Circumstances of this province with respect to the number of Rioters in it; and this after the great Lenety of the Government to draw them into Obedience to the Kings Authority and the Laws of the land; this we apprehended would have been both their duty, & Interest to have submitted to; but the Accounts laid before us from the County of Essex, of those Audacious Villains fforcing open the doors of the County Goal, & delivering out one of their wicked Ring-leaders, give us to understand, that some of them have slighted the lenity of the Government & Continue in their wanton Obstinacy in opposing the Laws in a most dangerous, & daring manner; It is with the greatest Concern that we think of what may be the Consequences of this Audacious madness, yet we Cannot but be humbly of Opinion, that the Laws now in being ought to be put more fully in Execution, & if then they prove insufficient, their particular defects may be pointed out to the next meeting of Assembly, that they may be able to do what may be further necessary to be done on the Occasion.

This House have passed a bill, in the best manner they are able to do it at this time, for the support of the Government, and the Officers thereof; & they are willing to raise money

By a Tax on the Inhabitants, to supply the difficiency of the Treasury for those purposes, when they Can Obtain a Law to Enable them to settle the Quotas of each County equally.

By Order of the House

SAMUEL NEVILL, Speaker.

Divers of the members being of the people called }
Quakers, agree to the matter & substance of this }
Address, with their usual Exception to the Stile. }

To which His Excellency made the following answer.

Gentlemen of the General Assembly

I am sorry to find in Your Address presented to me yesterday so little of a substantial Answer to what I so earnestly recommended to You a few days ago, & I look upon it Your duty to make a Grant of Money for paying Men that may be raised for Guarding the Goals of the province & for protecting the Civil Officers of the Government, & that you join with the other Branches of the Legislature in falling upon some good Law or Laws for bringing a great number of the Counterfeiters of our money, & of the Vile Combination of Rioters in many parts of the Province to such punishment as may be adequate to their Henious Crimes; & unless you quickly Come into the Measures I have now mentioned, I expect this province & people will soon become a scene of Wild distraction, & Confusion, and a stage for every evil work.

J. BELCHER

M^r Johnston from the Committee to whom the Bill Entituled, An Act for the better Enabling of Creditors to recover their just Debts from Persons who Abscond themselves, was referred, reported the same with one Amendment, which he read in its place, & delivered the same in at the Table.

Ordered, that the s^d Amendment be read a second time which was done accordingly, & agreed to by the House;

Ordered, that the said Amendment be Engrossed

The Bill with the Engross'd Amendments being read a third time, & the Question put; whether the s^d Bill shall pass or not?

It passed in the Affirmative

Resolved, that the said Bill as amended do pass

Ordered, that the Speaker do sign the same

Ordered, that M^r Johnston do Carry the s^d Bill with the Amendm^t to the House of Assembly, & desire their Concurrence to the said Amendment.

M^r Leonard from the Committee, to whom the Bill Entitled, An Act for Naturalizing Hendrick Goeglets was referred, reported the same without Amendment.

To which the House agreed

The Clerk laid before this House a Certificate of Thomas Bartow thereunto impowered by Dedimus Postestatum, under the Great Seal of the Province, whereby it appears that the said Hendrick Goeglets had taken the Oaths to the Governm^t & made & subscribed the Declaration appointed by Law

Ordered, that the said Bill be read a third time which was done accordingly.

And the Question being put, whether the s^d Bill do Pass or not?

Resolved, that the same do pass.

Ordered, that the Speaker sign the same

Ordered, that M^r Johnston do wait on the House of Assembly, and Acquaint them that the bill, Entitled, An Act for naturalizing Hendrick Goeglets, passed this House this day

The House Continued till

Saturday Dec^r 10th 1748.

The House met Present

| | |
|---|--------------------------|
| The Hon ^{ble} James Alexander Esq ^r Speaker | |
| Rob ^t H. Morris | Peter Kemble |
| James Hude | |
| And ^r Johnston | Tho ^s Leonard |

} Esq^r

The Secretary by His Excellency's Order laid before this [house] His Excellency's Answer, to the Address of this House in the following words,

Gentlemen of the Council

I thank you for the Address presented to me Yesterday, wherein you so heartily join with me to do all in your power for bringing to Condign Punishment those who are Committing robberies upon the property's of their fellow subjects, while they are Daily forging and Counterfeiting what passes among us for Lawfull Money.

But what gives me still a greater satisfaction is the Concern, & zeal you Express for Suppressing these Outrageous Offenders, who are so openly trampling under their feet the Kings name, Authority and Laws, & I wish some effectual Measures may soon be fallen into, by all the branches of the Legislature, to put an end to these fatal Proceedings; but if no help Can be had among ourselves I shall then in a faithful Discharge of the Trust the King has reposed in me, represent to His Majesty the wretched state His Government, and His Loyal Subjects in this Province are reduced to, by a Lawless Seditious Crew, who seem to be just upon the brink of an open rebellion

J. BELCHER

Perth Amboy Dec^r 10th 1748.

A Message from the House of Assembly in the following words

Ordered, that M^r Lawrence, & M^r Hancock do wait on the Council & Acquaint them that this House have in their Address of Yesterday to His Excellency, signified their Sentiments on both the Subjects matters, Proposed by the Council to be Confer'd upon, & that they should be glad to have their's on the bills before them, that when they are gone through this House may Apply to His Excellency to put an end to the sitting as they have nothing else before them.

THO^s BARTOW Clk

The House having resolv'd itself into a Committee to Consider of the said Message and of an Answer thereto, & agreed that it be an Instruction to Consider therein the State of this Province in relation to the Traitors, Rioters, Coiners and Counterfeiters;

The day being spent in the said Committee.

M^r Leonard from the said Committee reported that they had made a Considerable Progress in the Matter to them referred, & desired leave to sit again to'Morrow tho Sunday, which was agreed to by the House

Sunday Dec^r 11th 1748

The House Met Present

| | |
|--------------------------|-------------------------|
| M ^r Alexander | M ^r Johnston |
| M ^r Morris | M ^r Kemble |
| M ^r Antill | M ^r Leonard |

The House having resolved itself again into a Committee to Consider the Matter last afores^d

After some time spent therein M^r Leonard reported that they had made a further Progress therein, & desired leave to sit again.

To which the House agreed

The House Continued till

Monday Dec^r 12th 1748

Present as above with M^r Hude

M^r Leonard, Chairman of the Committee, to whom it was referred to Consider of the Message of the House of Assembly, to this House, & an Answer thereto, reported, that the said Committee, having taken into Consideration the said Message, & Address therein mentioned & referred to, upon reading the said Address, M^r Chief Justice Observed, that he

Apprehended it Contained reflections on the Governor & Officers of the Government in General, whose duty it was to put the Laws in Execution, & do Justice upon the Criminals therein mentioned; and as he Conceived it might reflect on him; that the Committee was well Acquainted with him, no Stranger to his Conduct in these Affairs, & if any thing they Could point out that he was blame worthy, he would do his utmost to repair his fault: If on the other hand, they thought him no ways blame worthy, that they would in his Justification declare it in such manner as should be thought Proper: And then Mr Chief Justice withdrew.

Then the said Committee taking into Consideration those parts of the said Address wherein the Officers of the Government are mentioned, do find it Contains General reflections, & that as they don't distinguish any Persons in particular, he had just reason to Apprehend he might be meant as one of those Officers; whereupon the Committee Came to the following resolution.

Resolved, that this Committee are well acquainted with the Person, & Character of Chief Justice Morris, & with his behaviour, & great & indefatigable application to discover & bring those Criminals to Justice; & it is the Unanimous Opinion of this Committee, that he has done his utmost, & neglected nothing in his power, proper or rational, to be done for that purpose: And that His Excellency the Governor seems to be of the same Sentiments, as appears by His Excellency's Speech to both Houses at the beginning of this Session.

Then the Chief Justice was Called in & took his place

This Committee then further proceeded in Considering the said Message & Address, & the state of this Province, in relation to the Coiners, Counterfeiters, Traitors, & Rioters, & thereon Came to the following resolutions

Resolved, that as most of the Counterfeiters, & Coiners, already discovered, are Inhabitants of the County of Morris, & have many relations living there; & from the Examina-

tions already taken, there is reason to Suspect, that the persons unknown who have been Concerned in that Villainous Practice, are many more in number than the Persons already discovered, & known; and being so, it is impossible for the Sheriff to know, but that many of the Jurors he returns for tryal of these Criminals, are either equally Guilty with the Criminals to be tryed, or relations of those who are so; it is therefore the unanimous Opinion of this Committee, that it would tend to Defeat Justice to try any of those Criminals in or by Juries of the County of Morris.

Resolved, that in Order to do justice on those Criminals An Act of Assembly is necessary to enable His Excellency the Governor to Issue Commissions for Trying them in other Counties, where the like dangers are least to be apprehended.

Resolved, for the above reason, that His Excellency the Governor was in His duty, for not Issuing a Commission to Try these, and other Criminals in the County of Morris; & will be in His duty, in refusing to Issue Commissions for tryal of any of them in that County.

Resolved, that as to such few of the Coiners, & Counterfeiters as are in the Counties of Essex, Hunterdon, & Somerset, it's the Opinion of this Committee, that while those Counties, Continue in their present state, of Rioting & breaking Goals, as has so often been already done, it would be exposing His Majesty's authority and the person of the Judges and Officers, to great danger & Contempt to hold any Court of Oyer & Terminer, & General Goal Delivery in either of those Counties, for Tryal, of those and other Criminals, untill a sufficient force be raised to Guard & protect His Majesty's Goals, & the Judges and Officers while they are there in the Execution of such Commission

Resolved, that as there are many hundreds of Traitors, & Rioters in the Counties of Essex, Hunterdon, & Somerset, & but very few of those as yet discovered, in comparison with their whole number; and as those known & unknown have numerous relations in those Counties, it is impossible for a

Sheriff of either of those Counties to know, but that many of the Jurors he returns for Tryal of these Criminals, are either equally Guilty, or relations of those who are equally Guilty, with the Criminals to be tryed; and as the Goals of these Counties have been already been so often broke, and the Traitors and Rioters therein Committed, rescued by Mobbs of hundreds of People at a time, its the Unanimous Opinion of this Committee, that no safe or impartial Tryal can be had of any of those Criminals in either of the said Counties.

Resolved, that for the above reason His Excellency the Governor, was in His duty in not Issuing any Commission of Oyer & Terminer, & Goal delivery to any of the said three Counties, & will Continue in His duty in refusing to Grant such, while those Counties Continue in the above Circumstances.

Resolved, in Order to do Justice on those Criminals, its necessary that an Act of Assembly be passed be passed to Enable His Excellency to Issue Commissions to other Counties for the tryals of those Criminals.

Resolved, that as the rioters had the Insolence to Come in Hundreds to the City of Perth Amboy, the Capital of the Eastern Division of New Jersey, tho no one person in that City is known or Supposed to be a Countenancer of them, and Traiterously and Riotously broke open His Majesty's prison there, no Court Can reasonably expect to be safe in the Tryal of any of those Criminals in other Counties, without a Sufficient fforce to Guard them, against the Multitudes that the Traitors & Rioters Can bring to Insult the Courts of Justice, & rescue the Prisoners out of their Custody.

Resolved, that it is the incumbent Duty of the Legislature to Interpose at this time, without further delay, to give strength to the Government, by Supplying them with such Sums of Money for raising & Maintaining so many Troops, as may be thought necessary on this Occasion, to protect the Officers of the Government, in the Execution of the Laws, & for defraying the Extraordinary Charge of bringing those Criminals to, & trying them in other Counties.

To which resolutions this House unanimously agreed.

This House then Proceeded to the further Consideration of the said Message, Address, & State of the Province, in relation to the Traitors, & Rioters, whereon, as the Assembly have referred this House to the said Address, we think it proper to remark Concerning these matters; that we have now Considered the many strong & pressing recommendations of Governor Morris, President Hamilton, & His Excellency the present Governor, to the Assembly, to strengthen the hands of the Government, so as to enable the Officers thereof to put the Laws in Execution, appearing by the Minutes of Assembly of September 28, 1745; October 18, 1745 March 4, 1745 June 28, 1746, October 10, 1746; May 6, 1747; August 20, 1747 November 18, 1747, and december 3, 1748; And to the first of those recommendations, the Assembly, by their Minute of October 3, 1745; answered; that as far as they knew, the Laws then in fforce were Sufficient for the punishment of those that are Guilty of the breach of them, & when any Diffiency in the Laws was pointed out to them, for bringing to Condign Punishment any of the Offenders mentioned, it should always have its due weight with that House. We shall pass over the other Answers of the Assembly, to the other recommendations, for Brevity, & only Observe, that on the recommendations of August, & november 1747, Committees of the Council & Assembly, on the 15th of Jan^r 1747, declared themselves unanimously of Opinion, that it would be necessary that the Legislature should Interpose, to restore the Peace of the Province, & give fforce to the Laws of the Country, which they declared had been most notoriously Violated; for which purpose they were of Opinion, that Effectual Measures should be taken by the Legislature to strengthen the hands of His Majesty's Government, so as to enable them to Carry the Laws into Execution, that His Majesty's Subjects might again enjoy the benefit, & protection of them; & that a proper Act or Acts should be prepared and passed for Preventing the like intestate [intestine]

troubles for the time to Come; And the Committees further agreed, that the Gentlemen of the House of Assembly should propose it to their House, to prepare & bring in a bill or bills for those purposes: Which Joint, & unanimous Opinion of the said Committees, was reported, & agreed to by both Houses, as by their Minutes of January 19th 1747 appears.

That a Committee of the House of Assembly, on the 23rd of January 1747, amongst other things, reported & declared it as their Opinion that Provision should be from time to time made, as Occasion might require, for defraying the necessary Expenses that might arise by the Legal Calling the Forces of this Colony together, for the repelling and Suppressing Invasions Insurrections, & Rebellions or upon any necessary Occasion whatsoever: Which report was agreed to, as by the Minute of the Assembly of that day appears.

And we may observe, that by an Act of the whole Legislature, Passed that Session, it's declared, that within three years then last past, many & great Riots and Disorders have been Committed within this Colony, by multitudes of people, on pretence that they laboured under Grievances, & that the several branches of the Legislature then Met and Assembled together, heartily disposed to Enquire into the said Grievances & Oppressions, & to give relief therein as far as in them lay, upon mature deliberation did not find but that the matters Complained of were remediable in His Majesty's Courts of Justice of Law & Equity, which were Open to all; and to which the Complainers might have had recourse, And by the same Act was declared the said agreement of the Council & Assembly, that Effectual Measures should be taken to strengthen the hands of His Majesty's Government, so as to Enable them to Carry the Laws of the land into Execution, that His Majesty's Subjects might again enjoy the benefit & protection of them, as by that Act amongst other things appears.

And we do Further Observe that on the 17th day of February 1747 His Excellency the Governor, Passed His

Majesty's most Gracious Pardon, Entituled, An Act to Pardon the Persons Guilty of the Insurrections, Riots, & disorders raised & Committed in this Province, which was thankfully Accepted by both Houses of the Council and Assembly: By which all those Criminals were pardoned, upon Condition, that those who had been Indicted, recorded, & Prosecuted, should within six months take the Oaths to the Government Prescribed by the Laws of this Province, & give their own Single Bonds severally in the sum of One hundred pounds, to keep the Peace for three years, restore the Possession they had Forcibly taken, & pay the Fees of their prosecutions; and as to such as stood Indicted, or might be Indicted of High Treason, a stay of Prosecution was Granted, until His Majesty's pleasure should be known, upon their Complying with the Terms before.

We must Observe, that by the Depositions & other Evidences that have been before this House, & were sent to the House of Assembly before the said Address, no more than twenty three Persons, of the many hundreds that stood in need of the said Pardon, had Accepted of the benefit thereof; & that no more than nine of the said twenty three appeared to have Complied with all the Terms thereof: By those evidences it appears, that the rioters, during the said six months, and since, Continued by Force of Arms to plunder particular mens Estates as before, and were Assiduous during that time, & since, to gain People over to their Combinations, & to Levy monies: That by those evidences the plunder they have made of Particular Mens Estates is of very great Value; & from those evidences, & other good Informations, we have reason to believe, of far more value, than would have been sufficient to have raised one thousand regular Forces, & maintain'd them for a year; whereas half that number for six months is now more than Sufficient to give the Laws their full Force; and the fourth Part of that would have been sufficient a year ago, & the tenth Part of it sufficient three years ago: no one of the many Possessions which

the rioters have forcibly taken and detained, appears to have been restored.

By these Evidences appears some of the many Artifices they use to bring & keep people into their Combinations, such as the threats of pulling down their Houses if they enter not with them, & the fears of Death if they desert, & by Cajolling others with the merit of defending their Country by joining with them.

By these Evidences, & the evidences that were before this House and the Assembly at last Sessions, it appears, there have been above twenty riots, Traiterous & unlawful Assemblies, within three years last past; and yet the weakness of the Government has been, & is such, as not to be able to hold any one of those Criminals in Goal any longer than those Combin'd with them think proper: The Chief Ringleader Amos Roberts, while this Assembly is sitting at only twenty Miles distance from this place, being Committed on process of Treason in the Morning of the twenty-eighth of November last, at Sunset of the same day the Goal was broke open, & He rescued: By these Evidences it appears, that the very next day, he rid openly at Noonday, wth several of his Accomplices from Newark, to the Widow Hamptons at Raway, within nine miles of this place where the Legislature is sitting, & there met with several others of the Rioters, & Traitors, who Came upon a prior appointment from the different parts of this province, & that their business was the entering into new Combinations for their Mutual defences, and raising Money, Dividing into Wards, & appointing Officers for those purposes: By these Evidences, it appears, that they have Captains over the Particular Rioters in Particular Places of this Province, & that the said Amos Roberts is the Chief of all.

It was well known to the House of Assembly, from the depositions and Papers laid before them at the last Sessions, that many hundreds were Concerned in the Treasons & Riots Committed in this province; & by the Papers which were

before them at the times of making their said Address, it Plainly appears, that only twenty three, of those many hundreds, had taken the benefit of the Lenity of the Government, which leaves us at a loss what to think of that Expression in their Address, "that some of them had Slighted the Lenity of the Government," thereby insinuating, that only a few Continue in their Wonted Obstinacy in Opposing the Laws; when the Contrary appears by the said evidences before them, & was & is notoriously known throughout this Province.

We are equally at a loss, to know what they mean, when they say, "it's with the greatest Concern, that they think what may be the Consequences of this Audacious Madness," when the Consequences are so Obvious to every man, & when they have been so often laid before them, as by the nine several recommendations to them of that matter, hereinbefore pointed out, appears.

It's with the Greatest Grief & Concern, that we Observe, that the House of Assembly have by their said Address, now Come to doubt, whether the present Laws be not of themselves sufficient, & that after their so strong resolutions & Declarations, of last Sessions, hereinbefore mentioned, & no one thing to this Day done to Strengthen the hands of the Government, Pursuant Pursuant to these resolutions & declarations, nor one Penny of Money put into the Treasury for that purpose: We are Grieved to say, what's so Obvious to every one, as they Can scarcely Avoid seeing it, by Comparing this Doubt of the Assembly with their Answer of October 3, 1745, to the first recommendation of this Matter to them; that after three Years recommendations of this matter, many promises, resolutions, & declarations, by Votes & by Acts, to put an end to those disturbances, the Assembly have got just to where they were at the beginning in October 3, 1740, Viz^t to Doubt whether the Laws alone without their Aid be not sufficient

We shall be as far as the Assembly from forbidding the

Courts of Justice and the Officers thereof from Issuing the Due Process of Law against every Offender, it's their Duty to do it, & neither of the Houses have any right whatsoever to forbid them; but Yet it seems Obvious to us, that every Execution of Process, without Strength'ning the hands of the Government, so as to Protect the Goals, & every rescue from thence; brings His Majesty's name, authority, & Laws more & more into Contempt, & increases the Number & Guilt of the Delinquents; & what the Consequences of that will be, are Obvious: The only good end that we know of that it Can serve is, to shew that the Officers of the Government have done their Duty, & that the not bringing those Criminals to Justice is not their Faults.

The Law to Enable the Legislature to Settle the Quota's of each County, might have been had last session at Burlington, and may still this Session be had; for no difference on that head was or is between the two Houses, but upon one of His Majesty's Royal Instructions to His Excellency to this purpose viz^t that he shall not give His Assent to any Act which lays any Tax upon unprofitable Lands. The Quota Bill, as sent up to this House, did, in the Opinion thereof, break in upon that Instruction (tho' both Houses were previously furnished by His Excellency with a Copy of it,) the words in the bill as it Came up, were nearly these, all profitable Tracts of Land held by Patent Deed or Survey whereon any improvement is made, were to be Taxed. This House Conceived those words gave room to break in upon the said Instruction, by giving too great a Latitude to the Assessors; for there are few tracts, but what Contain some unprofitable Lands, &, if any, it was Contrary to that Instruction to Tax them: The Bill was sent down to the Assembly amended so as they Conceived would be agreeable to the said Instruction: The House of Assembly rejected the Amendment, & this House sent the bill back to them with an Adherence to the Amendment, & it lies at the door of the Assembly to demand a Conference on that head; and we declare it as our Opinion,

that the Bill ought to be as yet passed this session, with or without a Conference, upon the Assembly's agreeing in any manner to make it Conformable to the said Instruction ; for in this time of danger, & when Supplying the Treasury is so necessary, we think, in any thing that may tend to that end, that Ceremonies are not to be insisted on, We Declare our selves also ready to agree to Shorter times for having the Quota's returned than in that Bill are mentioned, seeing that bill, were it passed, Cannot enable the Legislature by any other Act, to bring any money into the Treasury in less than a year to Come, & no money is now in the Treasury, either for the Usual Charges of Government, or for the extraordinary necessity's thereof at this time, when it's so much wanted.

We Cannot but Observe, that there's an Absolute necessity at this time, of Supplying the Treasury for the above extraordinary Charges of Government at any possible rate ; & we make no Doubt, that there are many ways of doing it forthwith, without the aid of that Bill ; such as a short act empowering the Treasurers to borrow Money at Lawful Interest on their Notes, & upon that Act ; and we doubt not, but that any sum needful Could in a Few weeks by that means be raised.

We have some reason to Guess at the Sentiments of the Assembly on both the Subject matters Proposed to them by this House, which they say, in their Message before us, they had signified in their Address to His Excellency ; but as that was to His Excellency & not to this House, it is not peremptory, whether the Assembly will or will not Conferr with this House on the Subject Matters Proposed, this House Conceives itself Entituled to, & therefore insist on a Categorical Answer from the Assembly on these Points.

Upon the whole, this House is Clearly of Opinion that it is the indispensible Duty of Both Houses at this time, heartily to join with His Excellency in the most Effectual Means, to put a stop to these growing Evils, that so evidently tend

to the utter Subversion of our happy Constitution, & the throwing off the dependance of this Colony on the Crown of Great Britain; & that, should the Present Session rise, without Effecting a purpose so absolutely necessary, it will Evidently be attended with such Consequences as may render the thing Impracticable by this Legislature for the future.

Which Answer to the Message of the Assembly was unanimously agreed to by this House.

& Ordered, a fair Copy of the same to be made.

Ordered, that M^r Kemble do Acquaint the House of Assembly with the above Answer to their Message, & deliver to that House a fair Copy thereof.

The House Continued till

Tuesday 13th Dec^r 1748.

The House met Present

| | |
|--------------------------|-------------------------|
| M ^r Alexander | M ^r Johnston |
| M ^r Morris | |
| M ^r Antill | M ^r Kemble |
| M ^r Hude | M ^r Leonard |

M^r Kemble reported that he had Obeyed the Order of Yesterday.

M^r Johnston reported that he had Obeyed the two Orders of the 9th Instant

A Message from the House of Assembly

Dec^r 13th 1748.

Ordered, that M^r Crane, & M^r Hopkins, acquaint the Council that this House desire an Answer to the Message with respect to the bills sent from this House, which yet remain under the Councils Consideration

THO^s BARTOW Clk

A Message from the House of Assembly by M^r Crane & M^r Hopkins,

Dec^r 13th 1748,

Ordered, that M^r Crane, & M^r Hopkins do wait on the Council with the Bill for the better Enabling of Creditors to recover their Just Debts from persons who Abscond themselves as now Engrossed with the Councils Amendm^{ts} in its place & Acquaint them that this House has passed the same.

THO^s BARTOW Clk

The reEngross'd Bill Entituled, An Act for the better Enabling of Creditors to recover their just Debts from persons who abscond themselves, being Examined ;

Ordered, that the Speaker do sign the same.

The Bill Entituled, An Act for the more easy & Speedy Tryal of the Persons who have been Guilty of the late Treasons & Riots & of Counterfeiting the Bills of Credit, & the Coins passing Current within this Province was read a second time & Committed to the Gen^l of the Council or any three of them

The Bill Entituled, An Act for the Attainder & Conviction of Amos Roberts, Simon Wyckoff, & others therein named &c was read a second time, & Committed as afores^d

The Question was put, whether the bill Entituled, An Act to Erect & Establish Courts in the several Counties of this Colony for the Tryal of small Causes should be recommitted ?

It passed in the Affirmative.

M^r Leonard from the Committee to whom the Bill Entituled an Act to Erect & Establish Courts, in the several Counties of this Colony for the Tryal of small Causes was recommitted, reported the same with several Amendm^{ts} which he read in their places & delivered the same in at the Table.

Which Amendments being twice read were agreed to by this House, & Ordered to be Engross'd

The House Continued till

Wednesday 14th Dec^r 1748.

The House met Present¹

The Bill Entituled, an Act to Erect & Establish Courts in the Several Counties, for the Tryal of small Causes, with the Engross'd Amendments being read the third time.

Resolved, that the same as amended do pass.

Ordered, that the Speaker do sign the same.

Ordered, that M^r Leonard do Carry the said Bill with the Amendments to the House of Assembly for their Concurrence to said Amendments

M^r Leonard reported that he had Obeyed the above Order

Thursday December 15th 1748.

The House met Present

Ja^s Alexander

And^m Johnston

Ed: Antill

Peter Kemble

Jas. Hude

Thomas Leonard

M^r Johnston Acquainted the House that M^r Low, & M^r Brick, from the House of Assembly had delivered to him a Bill, Entituled, An Act to Erect & Establish Courts in the several Counties of this Colony for the Tryal of small Causes, & Also an Order to the said two Members to bring the s^d Bill to this House, which Bill & Message he had rec^d from them this House not Sitting at the time, & he delivered the same in at the Table, which message is as follows ;

Dec^r 15th 1748

Ordered that M^r Low, & M^r Brick, wait on the Council, with the Bill to Erect, & Establish Courts in the several Counties of this Colony for the Tryal of small Causes, & Acquaint them that the same is re Engrossed in such parts

¹ Through some inadvertency the names of the members present are not given.

where their Amendments were made, with the Amendm^t in their Places, & that this House has passed the same as now Engrossed.

THO^r BARTOW Clk

The above Bill being Compared

Ordered, that the Speaker do sign the same

A Message from the House of Assembly, by M^r Fisher, & M^r Hancock.

Dec^r 15th

Ordered, that M^r Fisher, & M^r Hancock, wait on the Council, & Acquaint them that the House not having reed any answer, with respect to the Bill for the Support of the Government which Yet remains under the Councils Consideration, desire to be informed what they have done therein seeing this House sit at a great Expense to the Publick, & have now nothing Else before them

THO^r BARTOW Clk

C. C: Dec^r 15th 1748.

In answer to the Message of the House of Assembly of this day, wherein they say, they have now nothing else before them, but the Bill therein mentioned.

Ordered, that M^r Morris do Acquaint the House of Assembly, that this House do say, that there has been laid before them the Affidavits, & Evidences, that shew a Traiterous Conspiracy within this Province, against His Majesty's Crown & Dignity; That they have proofs before them that numbers of men who stand Indicted, & Accused of High Treason, in Levying war against our Sovereign Lord the King, do now at this time, go Publickly about the Province, in open Contempt of the Royal Authority, Exciting His Majesty's Subjects to Rebellion, & Treason.

That there has been laid before them, proofs, that all the many Endeavours of the Governm^t to put an End to the Traiterous Practices, of these Bold, & daring people, have proved ineffectual

And they have now before them two Several Messages from this House demanding a Conference with them upon these Important Subjects, that they have also a Message of this House before them, demanding a Conference on the Subject Matter of the Counterfeiters, & Coiners within this Province; to neither of which has this House rec^d any Positive Answer.

If these things are nothing in the eyes of the Assembly we are sorry for it, but we declare, that we think them of such Importance to the peace & Safety of the Province, & to our just Dependances on the Crown of Britain, that we Cannot Consistent, with the Oaths we have taken to bear Faith, & true Allegiance to His Majesty King George the second, & Him to defend to the utmost of our power, against all Traiterous Conspiracies & Attempts whatsoever which shall be made against His person Crown or dignity, & to do our utmost Endeavours to Disclose & make known to His Majesty, all Treasons & Traiterous Conspiracies which we know to be against him. We say, we Cannot Consistent with our said Oaths, our duty to His Majesty, & trust reposed in us, pass these matters over in Silence; or suffer our selves to be diverted from doing everything in our Power without delay, for putting an end to these unhappy disturbances, & Villainies: And this House do therefore again Insist on Categorical Answers to the said Messages of this House, on the Subject matters aforesaid.

M^r Morris reported that he had Obeyed the above Orde^r

Ordered, that M^r Morris, & M^r Antill be a Committee to Inspect the Journals of the House of Assembly, & report to this House what they have done in relation to the Traitors, Rioters & Money Makers recommended to both Houses by His Excellency, as also what they have done upon the message of this House demanding Conference upon these Matters.

The House Continued till

Friday Dec^r 16th 1748.

The House met Present

| | |
|--------------------------|-------------------------|
| M ^r Alexander | M ^r Johnston |
| M ^r Morris | |
| M ^r Antill | M ^r Kemble |
| M ^r Hude | M ^r Leonard |

M^r Chief Justice, & M^r Antill, to whom it was referred to Inspect the Journals of the House of Assembly; reported that they had Inspected those Journals, & found therein two Entries of which they procured Attested Copies under the hand of the Clerk of the Assembly, which they laid before this House, & they are in the words Following:

Wednesday Dec^r 7th 1748.

A Motion was then made & the Question put whether the House think it Necessary at this time to make a Law for the more Effectual bringing to Justice the Rioters, & Disturbers of the Publick peace of the Province? & it Passed in the Negative.

| Nays | Nays | Yeas |
|-------------------------------|---------------------------------------|-------------------------|
| M ^r Heard | M ^r Dan ^l Smith | M ^r Stelle |
| M ^r Eatton | M ^r Wright | M ^r Kearney |
| M ^r Lawrence | M ^r Hopkins | M ^r Demarest |
| M ^r Crane | M ^r Hancock | |
| M ^r Low | M ^r Brick | |
| M ^r Vanmiddleswart | M ^r Leaming | |
| M ^r Vanbuskirk | M ^r Emlay | |
| M ^r R. Smith | | |

The Nays do Nevertheless think the Laws now in being ought to be put in Execution against the said Rioters, & when their defect shall appear to this House that such other, as may be thought necessary be then provided

A true Copy

THO^s BARTOW Clk

Thursday Dec^r 15th 1748

The Councils Message of Tuesday last by M^r Kemble was read a second time, & the House having Considered the same Came to the following resolutions

Resolved, that the said Message Contains Divers Insinuations, grounded in Suggestions only, reflecting injuriously, on the Sentiments & proceedings of this House

Resolved, that the Councils Assuming a power therein of directing the Methods of raising of money in this Colony, is a Manifest Infringement, on the rights and Priviledges of this House

Resolved, that this House have a right to enjoy their own Sentiments, in all matters, & things that shall Come before them without being Accountable to or Censured by the Council for the same.

Resolved, that to sit here after the Session is near rising to maintain a Controversy with the Council would be very Expensive to the Colony, & that therefore this House will not at this time give any other Answ^r to the s^d Message

A true Copy

THO^s BARTOW Clk of the Assembly

A message from the House of Assembly by M^r Vanmiddleswart & M^r Leaming

Dec^r 15th 1748

Ordered, that M^r Vanmiddleswart, & M^r Leaming do wait on the Council, & Acquaint them that the House have read & Considered their Message of this afternoon by M^r Morris, & in Answ^r thereto, do send them a Copy of the resolutions, which this House had Come into this morning before the Message sent the Council mentioned in theirs, & that this House look upon themselves as Loyal Subjects to King George the Second, as any of the Council; notwithstanding their Sentiments remain the same as they were when they Came to those resolutions, and that the Council need expect no other Answer at this time from this House

THOMAS BARTOW Clk

The resolves mentioned in the above Message are the same reported by M^r Morris & M^r Antill.

This House having Considered the Message from the House of Assembly, by M^r Vanmiddleswart, and M^r Leaming of the 15th Instant, as also the resolves of that house, of the 15th day of this Inst. & their Vote of the 7th day of this Inst and their last Address to His Excellency the Governor are Clearly & Unanimously of Opinion that they Amount to An Absolute refusal to do anything at this time, against the Traitors, Rioters & Money Makers, & to a refusal to Conferr with this House upon those Subjects

Whereupon this House Came to the following Unanimous Resolutions

Resolved, that the refusal of the House of Assembly of the Conferences requested on the Subject Matter of the Traitors, Rioters, Coiners, & Counterfeiters, is a Breach of that Harmony which ought always to subsist between the branches of the Legislature

Resolved, that it is the Opinion of this House, that the House of Assembly, in refusing to do any thing at this time, to strengthen the Hands of His Majesty's Governm^t to put the Laws in Execution, is a neglect of that duty which they owe to our Sovereign Lord the King, manifestly tending to encourage the Traitors & Rioters, within this Province, to go on in their Treasonable designs, against His Majesty's Government

Resolved, that the not putting a stop to these Publick Disorders at this time, is leaving His Majesty's Authority & Government, Expos'd to the Slights, & Contempts of a set of Traitors, & Rioters, & the lives & properties of the people of this Province, a Prey to an Insolent, & Rebellious Mobb.

Resolved, that it is the indispensable Duty of the Members of His Majesty's Council, agreeable to the trust reposed in them, to lay a true state of the Unhappy, & Deplorable Condition of this Province, before His Majesty, & His Ministers, that he may take such Measures, for restoring, &

supporting His Authority, & Government, for protecting His Faithful Subjects & for securing the dependance of this His Province, on the Crown of Britain, as He in His great Wisdom, & Justice shall think Fit

This House having Ordered M^r Chief Justice Morris, M^r Kemble, & M^r Leonard, to wait on His Excellency, to Acquaint Him with the Intentions of this House, about representing the State of this Province, to His Majesty, & Ministers; & to know if His Excellency would be pleased to join with the Council in those representations;

The s^d Gentlemen, reported that they had waited on His Excell^y accordingly, & inform'd Him of the Intentions of the Council; & He was pleased to say that he should very readily join in a representation with the Council in anything Reasonable, after He had perused the papers.

M^r Hude from the Committee to whom the bill Entitled, an Act for the support of the Governm^t of His Majesty's Colony of New Jersey, reported the same without amendment.

Ordered, that the s^d Bill be read a third time; which being done the Question was put, whether the said Bill do pass or not?

It was Carried in the Affirmative

Resolved, that the s^d Bill do pass:

Ordered, that the Speaker do sign the same.

Ordered, that M^r Hude, do acquaint the House of Assembly, that the said Bill passed the House this day;

M^r Hude reported, that he had obeyed the above Order.

M^r Johnston having Acquainted this House that he had had some Conversation with His Excellency as to the time of the Councillors meeting at Burlington to join with Him in representations to His Majesty & Ministers; His Exc^y was then pleas'd to say, that the Council had had the Consideration of the proofs of these matters long before them; that He should want longer time to Consider them, than what the House proposed; that he thought it for His Majesty's Service, & the good of this Province, Once more to try another Sessions of

Assembly, before he joined in any representations; & that He might let this House know so:

Ordered that M^r Hude, do Acquaint the House of Assembly, that this House having particularly Considered the Resolves of the House of Assembly of the 15th Ins^t in Answer thereto this House Unanimously Came to the following Resolutions

Resolved, that this House is of Opinion that the Message in the s^d Resolves mentioned, Contains no Insinuations on Suggestions only, & that Clear proofs have appeared before that & this House, of all the matters therein Suggested; but yet if the House of Assembly will point out any thing therein, that we Cannot support with those Proofs we shall be ready thereon to make all the satisfaction to that House which the nature of the thing requires.

Resolved, that this House have not in their said Message, assumed the power of directing the Methods of raising money nor Infringed on any rights or priviledges of the House of Assembly.

Resolved, that its the right of this House to Advise, & Propose as to the methods of raising & disposing of Money, & to agree or disagree to any Methods that the House of Assembly shall Resolve on for that purpose.

Resolved, that this House no ways Called in Question the right of the House of Assembly to enjoy their own Sentiments nor have this House Claimed a right to call them to an Acc^t for the same.

Resolved, that this House have a right to Declare their Sentiments when they Conceive it proper & necessary upon any Proceedings of the House of Assembly, & more Especially when we Conceive the Constitution & dependance of this province on the Crown of Britain are in danger.

M^r Hude reported, that he had Obeyed the above Order.

His Excellency came into Council, & gave his Assent to the following Acts: Viz^t

1. An Act for the Support of the Government of His

Majesty's Colony of New Jersey for one year, to Commence the tenth day of August, One thousand Seven hundred & Forty eight; and to end the tenth day of August One thousand Seven hundred and forty nine, & to discharge the Public Debts & the Arrearages & Contingent Charges thereof.

2. An Act to Erect & Establish Courts in the Several Counties of this Colony for the Tryal of Small Causes.

3. An Act for the better enabling of Creditors to recover their Just Debts from Persons, who Abscond themselves

4. An Act to Enable the Inhabitants of the County of Middlesex to build a Work House & House of Correction within the said County, & to make rules & Orders for the Government of the same.

5. An Act for the more effectual Preventing of Lotteries, Playing of Cards and Dice, & other Gaming for Lucre of Gain; & to restrain the abuses of Horse racing within this Colony for the future.

6. An Act for naturalizing Hendrick Goeglets

Then His Excellency Prorogued the Council to the Sixteenth day of February next; then to meet at Burlington.

Minutes of Privy Council of the Province of New Jersey

At a Council held at Burlington of friday the 12th day of February 1747

Present

His Excellency the Governour

| | | |
|--------------------------------|-----------------|---------------------|
| John Reading | James Hude | } Esq ^{rs} |
| James Alexander | John Coxe | |
| John Rodman | Andrew Johnston | |
| Richard Smith | | |
| Rob ^t Hunter Morris | Thomas Leonard | |

His Excellency laid before the board a Bill Entituled An Act to Pardon the persons Guilty of the Insurrections Riotts and disorders raised and Committed in this province.

Also one of his Majesty's Royal Instructions¹ and desired the opinion of the board whether he was by the said Instruction warranted to Pass the said Bill into an Act.

This Board having Considered the said Bill Entituled, An Act to pardon &c and the question thereupon put by his Excellency to this board they are humbly of opinion

That when his Excellency is sufficiently satisfied that the house of Assembly have done or will do what's necessary to prevent the like Disturbances for the future, and to strengthen the hands of the Government so as they be Enabled to put the Laws in Execution (Assuring his Excellency that nothing on the part of the Council will be wanting for that purpose) that then the Council are of opinion that His Excellency is authorized and warranted by His Majesty's Commission and Instructions under the Present Circumstances of the Province to pass the said Act, and that it would be prudent and advisable so to do.

Mr Morris differing in opinion from the rest of the Board delivered his Sentiments in writing which he read in his place and then Delivered in, and desired it might be entered in the Minutes, and is in the following words, viz^t

The Act of General Pardon now under our Consideration, I think consists of two parts, the one is to pardon all those persons that have been concerned in, or Guilty of any of the late Riotts or Insurrections in this Province. The other is to stop and Suspend all Process and proceedings against those persons, that are already, Indicted for high Treason, or such as may hereafter be accused of that Crime, until and to the Intent his Majesty's Pleasure may be known.

I look upon this to be a Matter of very great importance, Perhaps the greatest that ever yet was under the Consideration of the Council of New Jersey, and therefore wish that things had been so managed as to have brought this Affair before us earlier in the Session, that we might have had the greater time to weigh and Consider what was proper to be

¹ Quoted hereafter, on page 71.

done—However, I shall deliver my opinion and advice upon the matter, in as Clear a manner as the Shortness of the time and my ability will permit.

I am clearly of opinion that by his Majesty's Commission¹ to his Excellency under the Great Seal of Great Britain, his Excellency has full power and authority to Extend his Majesty's Mercy, by a General pardon to all those that have been concerned in the late Riots and Insurrections within this Colony, provided the Crimes of which they stand Accused do not amount to high Treason or Murder, these being the only Crimes excepted in that Clause of the Royal Commission which gives power to Extend His Majesty's mercy.

But I do not think it by any means prudent or advisable in his Excellency to use the power so given in the manner proposed by the General Pardon before us, till the Legislature now Sitting have made provision effectually to Strengthen the hands of His Majesty's Government, so as to Enable them to protect the Persons and estates of the People of this Province and to carry into Execution the Laws of the Land—when that is done in a manner Satisfactory to the Government, then, and not before, I humbly conceive it will be prudent and advisable in his Excellency to Grant and Extend his Majesty's Gracious mercy to the persons Concerned in the said late Riotts, which will then, in my opinion tend very much to restoring the Peace of the Province, as most of the Persons Concerned are an ignorant People encouraged and set on by some artful and designing Men.

As to the second Part of the Act of General Pardon, I must Declare it as my judgment and opinion, that neither by his Majesty's Commission, nor by the Article of the Royal Instructions now communicated has his Excellency any power or authority to Suspend the Process or Stop the proceedings in Cases of high Treason—The Powers of Pardoning given by the Commission are full as to all Crimes but Treason and Murder, which being Expressly reserved and excepted, no

¹ Essentially the same as that issued to Gov. Morris. For pardoning powers therein given, see N. J. Archives, VI., p. 8.

Construction in my opinion can possibly extend the words, so as to give Power to Suspend or stop the Proceedings in those Cases, which will in Effect be pardoning, as the Parties are and 'tis intended shall remain at full liberty, and may remove themselves and their effects to another part of the World long before his Majesty's pleasure can be known ; as to the Instruction now Communicated, it is certainly a very good one, and among many others, shews his Majesty's great Care and paternal affection for these his remote Dominions, but I think there is nothing contained in it that Can be Construed to give a power to do what is now proposed.

The material words are,

"And if anything shall happen that may be of advantage
"and Security to our said Province, which is not herein or by
"our Commission to you Provided for we do hereby allow
"unto you with the advice and Consent of our Council to
"take order for the present therein &c."¹

This Instruction seems to me justly Calculated to impower The Governor to Act for the Advantage and security of the Province in Extraordinary Cases, wherein the Commission and Instructions are Silent, but in my humble opinion was never intended, nor can it be Construed to Extend to things expressly provided for by the Commission, which the power of pardoning and reprieving are so far as his Majesty intended they should be used, and as the power of Pardoning Treasons is there Expressly reserved and excepted, I cannot think the General words in the Instruction can be extended to give a power contradictory to the Commission, and I Conceive that as the Kings Instructions receive their greatest Force from the Commission under the Great Seal, so the Granting the Suspension proposed under the Powers given by that Instruction, will be doing an Act by virtue of the Royal Commission, which that very Commission prohibits & excepts in Express words.

Having declared my Sentiments that his Excellency has no power by his Commission or Instructions to Grant the Sus-

¹ See N. J. Archives, VI., 51.

pension proposed it will be needless to enter far into the Consideration of the Legality of tying up the hands of the Courts of Law in such Cases, which seems to me to be Stopping the Ordinary Course of the Laws and Exercising little less than a Dispensing Power, not warranted by the Constitution.

How far it will be prudent and advisable in His Excellency to Grant the Suspension proposed if he had power, is next to be considered and greatly depends upon the state and Circumstances of the Province which is very well known to every one here present and therefore need not be mentioned, But certain it is that things would never have gone the length they have done if the Legislature had interposed when this rebellion was young and before it had come to this maturely, [maturity] nor need it now continue longer if they will Exert themselves in support of His Majesty's authority and the Laws of the Land.

In my humble opinion the Province is not in such Circumstances as to make it prudent or advisable in the Government to stretch their Power in favor of a few People, who have thrown off their allegiance, their is power and Strength enough in the Province to put the Laws into Execution—His Excellency with the Council and Assembly can if they will presently put a stop to these disorders, and were they once inclined, these daring people would presently sneak into their hiding places, and not venture to shew themselves in opposition to the Government; but while we want inclinations and while these People know that we do all the mild measures Proposed will be ineffectual, and will only tend to bring the Government into great Contempt.

Had these daring disturbers not been countenanced by some Men of Note, had they not depended upon the support and protection of People much above themselves, they never would have ventured thus to have flown in the Face of his Majesty's Governments and to have thrown off their Allegiance, Had they laboured under any Injustice or Oppression,

they have had full liberty and have laid their complaints before the Assembly, too many of whom want not inclinations in their favour and as they have been fully heard, and no one Instance of oppression or injustice made out even to the Satisfaction of the Assembly, it must be presumed their complaints are only Clamour and designed to draw in the weak and unwary People to join them in their unlawful practices.

The above is my opinion and advice which is humbly Submitted to his Excellency.

ROBT H. MORRIS

At a Council held at Burlington on Tuesday the 16th day of February 1847/8

Present

His Excellency the Governour.

| | | |
|-----------------|-----------------|--------------------|
| John Reading | John Cox | } Esq ^r |
| James Alexander | | |
| Richard Smith | Andrew Johnston | |
| James Hude | Thomas Leonard | |

This Board having maturely Considered the said Bill, Entituled, An Act to pardon the Persons Guilty of the Insurrections Riotts, and disorders raised and Committed in this Province, and the Attorney Generals Endorsment thereon, and the present Circumstances of this Province; do humbly and unanimously advise his Excellency, that they are of opinion, that by his Majesty's Commission and Instruction communicated to this board, he is authorized and warranted under the present Circumstances of this Province to Pass the same and that it would be prudent & advisable so to do.

Whereupon his Excellency was pleased to pass the same.¹

A Message from the house of Assembly, by M^r Low and M^r Hancock

¹See N. J. Archives, VII., 222.

"February 16th 1747, M^r Speaker¹ having received a Message from home, that his Son lay at the point of death.

"Ordered,

"That M^r Low and M^r Hancock do wait on his Excellency and inform him thereof, and acquaint him that the house desires he will be pleased to give them leave to choose a "New Speaker"

"THO^s BARTOW Clk"

M^r Stelle and M^r Leaming waited on his Excellency to acquaint him that the house had Chose a New Speaker, and desired to know when he would be pleased to be attended, in Order that they might Present him.

His Excellency directed the presentation to be immediately.

The house of Assembly attended, and presented Samuel Nevill Esq^r as their Speaker, and

His Excellency was pleased to Approve their Choice.

At a Council held at Burlington on Thursday February the 18th 1747.

Present

His Excellency the Governor

| | | |
|-----------------|-----------------|--------------------|
| John Reading | James Hude | } Esq ^r |
| James Alexander | John Coxe | |
| John Rodman | Andrew Johnston | |
| Richard Smith | Thomas Leonard | |

His Excellency Signed the following Warrants for Salaries and Services due to the several persons following to the 10th Instant.

N^o 1 To his Excellency for Salary to the
10th instant.....£500 ,, 0 ,, 0
N^o 2 To ditto for services allowed.....£500 ,, 0 ,, 0

¹ Robert Lawrence. See Salter's History of Monmouth County, N. J., p. 93.

| | |
|--|--------------|
| N ^o 3 To Ditto for house rent to the 10 th Instant..... | 30 „ — „ — |
| N ^o 4 To the Executors of John Hamilton Esq ^r for his Administration while Commander in Chief of this Prov- ince | 500 „ 0 „ 0 |
| N ^o 5 To John Reading Esq ^r late Com- mander in Chief of this Province for his Administration..... | 71 „ 0 „ 0 |
| N ^o 6 To Richard Smith Jun ^r Esq ^r for Rich- ard Partridge Esq ^r in full for his Account to the 10 th July 1746..... | 407 „ 7 „ 5 |
| N ^o 7 To Richard Partridge Esq ^r or Order for Salary to the 10 th Instant..... | 270 „ 8 „ — |
| N ^o 8 To Robert Hunter Morris Esq ^r for his Salary as Chief Justice to the 10 th Instant..... | 338 „ 1 „ 4 |
| N ^o 9 To Joseph Bonnell Esq ^r Second Justice of the Supreme Court for his Salary to the 10 th Instant..... | 84 „ 10 „ 2 |
| N ^o 10 To John Allen Esq ^r third Justice of the Supreme Court for Ditto..... | 84 „ 10 „ 2 |
| N ^o 11 To Andrew Johnston Esq ^r Treasurer of the Eastern Division of this Pro- vince for Ditto..... | 155 „ 4 „ 5 |
| N ^o 12 To John Allen Esq ^r Treasurer of the Western Division for Ditto..... | 135 „ 4 „ 5 |
| N ^o 13 To Joseph Warrell Esq ^r Attorney Gen- eral for Ditto..... | £135 „ 4 „ 5 |
| N ^o 14 To Charles Read Esq ^r Clerk of the Circuits for his Salary from the 23 ^d 7 th 1743 to the 10 th Instant..... | 87 „ 12 „ 6 |
| N ^o 15 To Thomas Bartow Clk of the As- sembly for 430 days Attendance at 8/: P ^r Day, and the sum of £50 for Services done and to be done by him, 172 „ — „ — | |

| | |
|---|-----------------------|
| N° 16 To the Executors of Lewis Morris Esq ^r for Cash paid James Home..... | 4,, 17,, — |
| N° 17 To John Reading Esq ^r for 24 days Attendance in Council at Sessions before the 23 ^d 7 ^{br} 1744..... | 7,, 4,, — |
| N° 18 To Ditto for 277 days attendance in Council since 7 ^{br} 1744..... | 83,, 2,, — |
| N° 19 To John Coxo Esq ^r for 107 days At- tendance in Council..... | 32,, 2,, — |
| N° 20 To John Rodman Esq ^r for 24 days at- tendance in Council before the 23 ^d 7 ^{br} 1744..... | 7,, 4,, — |
| N° 21 To Ditto for 376 days attendance since 7 ^{br} 1744 to the 10 th day of this Instant..... | 112,, 16,, — |
| N° 22 To Richard Smith Sen ^r Esq ^r for 24 Days Attendance in Council before the 23 ^d 7 ^{br} 1744..... | 7,, 4,, — |
| N° 23 To Ditto for 388 Days attendance since 23 ^d 7 ^{br} 1744..... | 116,, 8,, — |
| N° 24 To the Executors of his late Excellency Lewis Morris Esq ^r for house rent from the 23 ^d day of 7 ^{br} 1744, to the time of his Decease..... | 100,, —,, — |
| N° 25 To Peter Kemble Esq ^r for 74 Days attendance in Council Since 23 ^d 7 ^{br} 1744 | £ s. d. 22,, 4,, — |
| N° 26 To James Hude Esq ^r for 12 Days at- tendance in Council before the 23 ^d Day of 7 ^{br} 1744..... | 3,, 12,, — |
| N° 27 To Ditto for 210 Days attendance in Council since 1744..... | 63,, —,, — |
| N° 28 To the Secretary for extraordinary Service to the 20 th of August 1747, as [£] Support Bill..... | 35,, 0,, 0 |
| N° 29 To Ditto his Account as [£] Support Bill..... | 31,, 0,, 7 |

| | |
|---|-------------|
| N° 30 To Ditto his Salary as Clerk of the Council from 7 ^{br} 23 ^d 1744 to the 10 th Instant..... | 101 „ 8 „ 4 |
| N° 31 To Andrew Johnston Esq ^r for his Attendance in Council 84 days Since 7 ^{br} 23 ^d 1744..... | 25 „ 4 „ — |
| N° 32 To Charles Read Esq ^r to Distribute among the Door Keepers of the Council for attendance since 7 ^{br} 23 ^d 1744 to the 10 th Instant..... | 33 „ 16 „ 4 |
| N° 33 To Thomas Leonard Esq ^r for his attendance in Council 109 days since the 23 ^d 7 ^{br} 1744..... | 32 „ 14 „ — |

His Excellency also signed by advice of the Council the following Warrants by Certificate from the Speaker of Assembly.

| | |
|---|---------------------|
| N° 34 To William Norcross Door keeper..... | 17 „ 17 „ — |
| N° 35 To the Executors of Thomas Shreeve late Serj ^t at Arms..... | 25 „ 10 „ — |
| N° 36 To Thomas Wetherill Jun ^r Serjeant at Arms..... | £ s d 14 „ 5 „ — |
| N° 37 To the Executors or Administrators of William Pettit late Door keeper..... | 18 „ 6 „ — |
| N° 38 To Thomas Williams late door keeper at Amboy..... | 8 „ 14 „ — |
| N° 39 To John Tilus Door keeper at Amboy | 18 „ 6 „ — |
| N° 40 To Andrew Robinson Serjeant at Arms at Amboy..... | 19 „ 6 „ — |
| N° 41 To Andrew Johnston Esq ^r Money Advance for Subsistence of the Troops allowed in Support Bill..... | 476 „ 5 „ — |
| N° 42 To Colonel Peter Shuyler in full for his Account of provisions & £607 „ 17 „ 4 also £16 „ 0 „ 4 to be by him remitted to Philip Schuyler..... | 623 „ 17 „ 8 |

| | |
|---|-------------|
| N° 43 To Andrew Johnston Esq ^r in full for his Acc ^t of Remitting the Agents Salary £29 „ 0 ^s „ 3 ^d and £15 to pay for rooms &c..... | 044 „ 0 „ 3 |
| N° 44 To John Allen Esq ^r for holding three Courts of Oyer and Terminer & Viz ^t at Salem, Gloucester and Hun- terdon in the year 1744..... | 30 „ — „ — |
| N° 45 To John Allen Esq ^r Treasurer of the Western Division for exchanging ragged and torn Bills of Credit in the year 1744..... | 52 „ 5 „ 0 |

At a Council held at Burlington in the Province of New
Jersey on Thursday May the 12th Dom : 1748.

Present

His Excellency the Governor

| | | |
|---------------|--------------------------|---------------------|
| John Reading | James Hude | } Esq ^{rs} |
| John Rodman | John Cox | |
| Richard Smith | Tho ^s Leonard | |

His Excellency by Advice of Council Signed the following
Warrants.

| | |
|---|--------------|
| N° 46 To himself for a Quarters Salary from the tenth of February last to the tenth Instant..... | £250 „ 0 „ 0 |
| N° 47 To himself for house Rent from the 10 th of Feby last to the 10 th Instant | 15 „ — „ — |
| N° 48 To Robert Hunter Morris Esq ^r for his Attendance in Council Three hun- dred and Sixty Six days which became Due the 18 th February last... | 109 „ 16 „ — |

| | |
|--|-------------|
| N° 49 To Robert Hunter Morris Esq ^r for his Attendance Seven Courts of Oyer and Terminer and General Gaol Delivery in different Counties &c..... | 70 „ — „ — |
| N° 50 To Robert H. Morris Esq ^r for his Salary as Chief Justice of the Supreme Court due to him the 10 th of May 1748..... | 25 „ — „ — |
| N° 51 To John Allen Esq ^r for his Salary as third Justice of the Sup ^m Court due to him the 10 th May 1748 For one Quarters Salary..... | 6 „ 5 „ — |
| N° 52 To Joseph Warrell Esq ^r for his Salary as Attorney General of this province to the 10 th May 1748..... | 10 „ — „ — |
| N° 53 To Richard Smith Jun ^r Esq ^r for the use of Richard Partridge Esq ^r Agent at London for his Quarters Salary due to him the tenth May 1748..... | 20 „ — „ — |
| N° 54 To Charles Read Clerk of the Council for a Quarters Salary due to him the 10 th May 1748..... | 7 „ 10 „ — |
| N° 55 To Charles Read Clerk of the Circuits for one Quarters Salary due him the 10 th day of May 1748..... | 5 „ — „ — |
| N° 56 To John Allen Esq ^r Treasurer of the Western Division of this Colony for Exchanging Ragged and Torn bills of Credit to the year 1744..... | 12 „ 5 „ — |
| N° 57 To William Robinson Serjeant at Arms for his attendance 252 days to the Council of this Province..... | 37 „ 16 „ — |
| N° 58 To John Allen Esq ^r third Justice of the Supreme Court for holding one Court of Oyer and Terminer &c in Gloucester in the year 1745 and Hunterdon in the years 1745 and 1747..... | 30 „ — „ — |

At a Council held at Burlington on thursday the thirtieth Day of June Domino 1748.

Present
His Excellency the Governor

Richard Smith }
John Coxe } Esq^r
Tho^e Leonard }

His Excellency laid before this Board a Letter from his Grace the Duke of Bedford one of his Majesty's Principal Secretaries of State; Dated at Whitehall the 25th day of February 1747/8 Inclosing his Majesty's Royal Proclamation,¹ Dated at St. James's, the 19th Day of February 1747. And desired the Advice of this board, what Steps were necessary for him to take to Comply with the directions of the said Letter.

The Board unanimously Advised his Excellency to Cause his Majesty's Royal Proclamation to be Inserted in the Pennsylvania Weekly Advertiser, and to Issue a Proclamation to order a Strict obedience thereto to be observed by His Majesty's Subjects Inhabiting this Province.

His Excellency also laid before this Board a Letter from Governor Shirley² Dated at Boston the 11th of June 1748 Enclosing several Votes and resolutions of the Council and Assembly of the Massachusetts Government, Dated the 8th and tenth of June 1748 and Desired that this Board may advise him what Steps are necessary to pursue on the Subject Matter of this Letter.

The board advise his Excellency to Call together the General Assembly of this Colony to Meet at Burlington on Wednesday the Sixth day of July next.

¹ Proclamation for enforcing the prohibition of commerce with the French.—*See N. J. Archives*, VII., 124.

² About a proposed meeting at Albany, to confer with the Indians.—*Ibid.*, VII., 125.

At a Council held at Burlington on Saturday the 23^d Day of July 1748.

Present

His Excellency the Governor

| | | |
|---------------|---------------------------|--------------------|
| John Reading | John Coxe | } Esq ^r |
| John Rodman | | |
| Richard Smith | Thom ^s Leonard | |

His Excellency laid before the board an Engross'd Charter of Incorporation for the College in New Jersey, which being read, and the Attorney Generals Endowment¹ thereon, The board unanimously Consented to and approved of the same.

At a Council held at Burlington on Tuesday the first day of September 1748.

Present

His Excellency the Governor

| | | |
|-------------------------|--------------------------|--------------------|
| John Reading | John Coxe | } Esq ^r |
| John Rodman | | |
| Rich ^d Smith | Tho ^s Leonard | |

His Excellency the Governor having informed the Board, that before the compleating and delivery of the Charter for a College, laid before this board on the 23^d day of July last for their Approbation, his Excellency had discovered some mistakes which made an alteration in the said Charter necessary; his Excellency thereupon laid before this Board a Charter with the necessary amendments, and desired their opinion thereupon, and after proper Consideration thereof this Board Consents and approves the said Charter so amended.

¹ Endowment.

At a Council held at Burlington on the twenty first Day of October 1748.

Present

His Excellency the Governor

| | |
|----------------------------|--------------------|
| John Rodman | } Esq ^r |
| Richard Smith | |
| Rob ^t H..Morris | |

Mr Chief Justice laid before his Excellency and the board Sundry Examinations Affidavits letters and other papers relating to the Coining and Counterfeiting Money and the Several Persons that had been taken up and Committed, and at the same time informed the Board that he had Committed Eleven Persons who appeared to him Guilty of Felony in Counterfeiting Money, to the Gaol of the County of Morris, one to the Gaol of the County of Somerset, one to the Gaol of the County of Middlesex, and one to the Gaol of the County of Essex and that there were some Persons committed to the different Gaols that had not been Examined before him, of which he had laid an Account before his Excellency some time before.

He also informed, that by some Letters that had been sent him he learnt that ten of the Eleven Persons committed to the Gaol of Morris had made their Escape, and through the great Remissness of the Sheriff and Magistrates of that County, they Continued in the County, at and about their own houses and were not apprehended.

He also laid before his Excellency a Petition from some of the Justices and Freeholders of Morris County, Praying a Special Court for the Tryal of the Money makers—all which he Submitted to his Excellency and the Board.

At a Council held at Perth Amboy November 23^d 1748.

Present
His Excellency the Governor

| | | |
|----------------------------|-----------------|--------------------|
| James Alexander | Peter Kemble | } Esq ^r |
| Rob ^t H. Morris | | |
| Edward Antill | Andrew Johnston | |
| James Hude | Thomas Leonard | |

His Excellency by Advice of Council Signed the following Warrants

- N^o 59 To himself for a Quarters Salary from
the 10th Day of May last to the 10th
of August Last.....£250 „ — „ —
- N^o 60 To himself for a Quarters house rent
from the 10th of May last to the 10th
of August last..... 15 „ — „ —

His Excellency the Governor recommended to the Consideration of this Board the Coiners and Counterfeiters of Money, an information of which was laid before him in Council the 21st of October last by M^r Chief Justice.

Ordered,

That it be referred to the consideration of the Gentlemen of the Council or any three of them.

At a Council held at Perth Amboy November 24th 1748.

Present
His Excellency the Governor

| | | |
|-----------------|----------------|--------------------|
| James Alexander | Peter Kemble | } Esq ^r |
| Edward Antill | | |
| James Hude | Thomas Leonard | |

Upon reading a Representation of the Attorney Generals setting forth, that John Lindsley jun^r and John Kenney both of Morris County, to whom eleven Persons who stood Committed by a Special Warrant from his Honour the Chief Justice, for being concerned in Counterfeiting the Currency of this province were delivered, to be carried to Morris County Gaol, had suffered one of those delinquents to Escape out of their Custody, and that Thomas Darling and Seth Crowell both of Morris aforesaid, had received and protected the person who had so escaped, knowing for what he had been Committed; and that the other ten persons were by the said Lindsley and Kenney, delivered to Caleb Fairchild Esq^r Sheriff of said County, who committed them to the Gaol of said County, but afterwards Suffered them to make their escape out of the Gaol aforesaid: And praying an order of the Board for him to prosecute the said John Lindsley Junior John Kenney, Caleb Fairchild, Esq^r Thomas Darling and Seth Crowell by Way of information in the Supreme Court, as he had found it impracticable to Cause any Delinquents for Crimes Committed in the said County of Morris to be apprehended and prosecuted to Effect in the Courts there by the ordinary proceedings of the Law

Which Matter is referred to the Consideration of the Committee appointed Yesterday to consider of the Money Coiners.

At a Council held at Perth Amboy December 7th 1748.

Present

His Excellency the Governor

| | | |
|----------------------------|-----------------|--------------------|
| James Alexander | Andrew Johnston | } Esq ^r |
| Rob ^t H. Morris | | |
| Edward Antill | Peter Kemble | |
| James Hude | Thomas Leonard | |

His Excellency laid before the Board a Petition he received from one James Marshall a Prisoner in the Gaol of the

County of Middlesex for being concerned in Coining and passing Counterfeit Money, praying a Special Commission for holding a Court for his Tryal, and desired their Advice thereon

Ordered

That it be referred to the Committee appointed to Consider of the Money Coiners.

At a Council held at Burlington on thursday the 12th Day of January 1748.

Present

His Excellency the Governor

| | |
|---------------|--------------------|
| John Rodman | } Esq ^r |
| Richard Smith | |
| John Coxe | |

His Excellency acquainted the Gentlemen of the Council, that it had been Represented to him that the Eastern Division of this Province Laboured under Great inconveniences by reason of the Vacancy of the office of Second Judge of the Supreme Court, and that he had directed the Secretary to Summon a Council to advise with on that and other occasions, that the Secretary had informed him that on the 24th of December last he had sent Notices to the Members of his Majesty's Council by Express to meet at Burlington, that none of the Gentlemen then Attended, and that on the Second Notice which appointed them to Meet on Yesterday none of them attended, and as the appointment of a Second Judge of the Supreme Court was immediately necessary He acquainted the Council that M^r Samuel Nevill had been recommended to him as Second Judge of the Supreme Court, M^r William Hancock as a Judge of the Inferior Court of Common Pleas for Salem County M^r Nicholas Gibbon as Clerk of the Pleas and Peace of said County, and M^r William Barker as Sheriff of Salem County, in the room of M^r Gibbon, and desired the opinion of the Council on the fitness of said persons.

The Council were pleased to approve of them and Commissions were ordered accordingly.

At a Council held at Burlington on the 20th Day of January 1748.

Present

His Excellency the Governour

| | | |
|---------------|----------------|--------------------|
| John Reading | James Hude | } Esq ^r |
| John Rodman | John Coxe | |
| Richard Smith | Peter Kemble | |
| Edward Antill | Thomas Leonard | |

His Excellency acquainted the Council, that they were at this time Summoned to give their Advice and Consent on the appointment of Several of the Civil Officers of the Government, and produced Sundry Lists of Officers for the Several Counties of this Province, in which he desired their Advice and Consent, on which a Debate arose, whether his Majesty's Council were not Entitled to the recommendation of those Officers? His Excellency produced his Majesty's Instruction¹ whereby he thought himself Entitled Solely to the Nomination of those Officers, but that No person ought to be Commission'd if the Council if the Council Disapproved. The Council were of opinion that his Majesty intended by the said Instruction that the Council should have a right of recommending persons in order to his Excellency's nominating them, for it was to be supposed the Governors of this Province by reason of their Certain Residence could not be so well acquainted with the abilities and fitness of the several Officers in the different Counties, as the Council who being more dispersed had thereby a better opportunity of knowing the Inhabitants.

But his Excellency insisting on his Majesty's Instruction proceeded to nominate Several persons to which the Council Consented.

¹ N. J. Archives, VI., 31.

His Excellency by Advice of Council Signed the following Warrants.

- N^o 61 To Edward Antill Esq^r for 232 Days
attendance in Council to the 10th of
August last..... £69 „ 12 „ —
- N^o 62 To James Alexander Esq^r for 210 days
attendance in Council to the 10th of
August last..... £63 „ — „ —

At a Council held at Burlington on Tuesday the 21st day
of February 1748.

Present

His Excellency the Governor

| | |
|---------------|--------------------|
| John Reading | } Esq ^r |
| John Rodman | |
| Richard Smith | |

His Excellency by advice of Council Signed the following Warrants

- N^o 63 To himself for one Quarters Salary due
the 10th Day of November last.....£250 „ 0 „ —
- N^o 64 To himself for a Quarters house rent
due the 10th day of November last... £15 „ 0 „ 0
- N^o 65 To himself for a Quarters Salary Due
the 10th Day of this Instant..... 250 „ — „ —
- N^o 66 To himself for a Quarters house rent
due the 10th day of this Instant..... 15 „ — „ —

At a Council held at Burlington on the 16th Day of March
1748.

Present

His Excellency the Governor

| | | |
|-----------------|--------------------------------|--------------------|
| John Reading | Rob ^t Hunter Morris | } Esq ^r |
| James Alexander | James Hude | |
| John Rodman | Andrew Johnston | |
| Richard Smith | Peter Kemble | |

His Excellency informed the board, that as the Legislature was now Sitting on the important Affairs of the Province, and would probably Sit till the third Tuesday in March Instant at which time the Supreme Court is by Ordinance to be held at Perth Amboy; and as some of the Judges and other Officers of that Court were now attending the Legislature he desired the advice of this Board whether an adjournment of the said Term would not be necessary.

The board unanimously advised his Excellency to adjourn the said Term of the Supreme Court as being at this time necessary and Convenient And Advised his Excellency to Adjourn the Supreme Court to Meet at Amboy on the first Tuesday in Aprill next.

The Secretary having prepared a Draft of a Writ of Adjournment and laid the same before the Board, it was read and approved, and as the Chief Justice is one of the Council, and Samuel Nevill Esq^r is Speaker of the house of Assembly and cannot attend the publication of the said Writ and making the Adjournment pursuant thereto It is therefore Ordered that John Allen Esq^r one of the Junior Judges of the said Court to [do] publish the said Writ at Amboy on the third tuesday of this Instant March, and make the adjournment accordingly—and that the Secretary do deliver the said Writt when Sealed together with a Copy of this Order to M^r Justice Allen for that purpose.

The Secretary reported that he had obeyed the above order.

At a Council held at Burlington on the 28th day of March 1749.

Present

His Excellency the Governor

| | | |
|----------------------------|-----------------|--------------------|
| John Reading | James Hude | } Esq ⁿ |
| James Alexander | | |
| John Rodman | John Coxe | |
| Richard Smith | Andrew Johnston | |
| Rob ^t H. Morris | Thomas Leonard | |

His Excellency by Advice of Council Ordered a Proclamation for a General Fast, on thursday the Day of

His Excellency by and with the Advice of this Board appointed the following Officers in the several Counties viz^t

For the County of Burlington

Isaac DeCow, Jacob Hewlings, John Gosling, Revel Elton, and Thomas Shinn Judge of the Inferior Court of Common Pleas for the said County.

Isaac DeCow, Jacob Hewlings, John Gosling, Revel Elton, Thomas Shinn, Robert Pearson, John Hollinshead, Robert Smith, Peter Jonlay,¹ Daniel Smith, Samuel Smith, and Michael Newbold, Justices of the Quorum, John Matthews, John Bunting, Edward Tonkin, Joseph Scattergood, Samuel Stoakes, William Forster, Nathaniel Thomas, Henry Paxton, Robert Hartshorne and Joseph Borden ju^t Justices of the Peace for said County.

For the County of Middlesex

James Hude, James Thomson, James Smith Thomas Bartow, James Nelson, Judges of the Inferior Court of Common Pleas for said County.

| | | | | | |
|--------------------|---|--------|------------------|---|----------|
| Edward Crowell | } | Quorum | William Stone | } | Justices |
| Samuel Walker | | | Josiah Smith | | |
| John Nevill | | | Runy Runyon | | |
| Nicholas Everson | | | Derrick Schuyler | | |
| Thomas Gatch | | | James Leonard | | |
| John Stelle | | | Josiah Davison | | |
| Judiah Higgins | | | William Quke | | |
| William Hutchinson | | | William Crawford | | |
| | | | John Barclay | | |
| | | | Jeremiah Field | | |
| | | | John Horner | | |

For the County of Essex

John Ogden, George Vreeland, John Ross, Uzall Ogden and Eliphalet Johnson Ju^t Judges &^o

¹ Imlay.

| | | | |
|-------------------|-----------|------------------|------------|
| Matthias Hatfield | } Quorum. | Daniel Pearson | } Justices |
| John Rolph | | John Styles | |
| Thomas Clerk | | Richard Bradbury | |
| John Halstead | | | |

For the County of Monmouth

John Little, Thomas Morford, Jonathan Trorman, John.
Boune and Richard Saltar, Judges &^c

| | | | |
|-----------------|----------|--------------------|------------|
| Archibald Craig | } Quorum | Richard Willets | } Justices |
| John Johnston | | Abraham Lane | |
| Thomas Woodward | | Samuel Leonard | |
| John Anderson | | Robert Montgomerie | |
| John Taylor | | Stephen Pangburn | |
| | | Amos White | |
| | | David Ray | |

For the County of Somerset

Thomas Leonard, John Corle, John Vanmiddleswart,
Paul Miller and John Stockton Judges &^c

| | | | |
|-------------------|----------|-----------------------|------------|
| John Eyres | } Quorum | Robert Lettice Hooper | } Justices |
| John Broughton | | Briant Laffarty | |
| Jacob Vanderirer | | Daniel McCown | |
| Benjamin Thompson | | Nicholas Britain | |
| | | Tobias Vanorder | |
| | | William Wahlen | |
| | | Ephraim Lockheart | |

For the County of Bergen

David Damerest, George Reyerson, Derrick Kuyport,¹
Garret Haenbuk² and William Kingsland Judges &^c

| | | | |
|------------------|----------|------------------------------|------------|
| Archibald Kenedy | } Quorum | Jacobus Peck | } Justices |
| Peter Marselisse | | Reynier Vangiese | |
| Johannes Post | | Samuel Moose ju ^r | |
| Peter Post | | Jacob Mead | |
| | | John Ryerson | |
| | | Abiah Vanbuskirk | |

¹ Kuyper. Kuiper, Cooper.

² Halenbeck.

For the County of Hunterdon

| | | | |
|---------------------|-----------------------|---------------------------|----------|
| William Morris | Judges & ^o | Jasper Smith | Justices |
| Andrew Smith | | John Philipse | |
| Martin Ryerson | | Samuel Slout ¹ | |
| Theophilus Philipse | | Cornelius Ringo | |
| Andrew Reed | | Benjamin Rounsaval | |
| Isaac Herring | Quorum | Thomas Kitchen | |
| Alexander Lockheart | | Will: Montgomerie | |
| Philip Ringo | | William Cleayton | |
| Charles Clark | | Hugh Martin | |
| Ralph Smith | | John Arrison | |
| Samuel Johnson | | John Garrison | |

For the County of Morris

| | | | |
|---------------------------|--------|----------------------------|----------|
| John Budd | Judges | Daniel Cooper Quorum | Justices |
| John Lindsley | | Abraham Vancompén quo | |
| Jacob Ford | | Ephraim Price | |
| Timothy Tuttle | | Joseph Tuttle | |
| Ebenezer Biram | | John Budd jun ^r | |
| | | Abraham Vanaken | |
| | | John anderson | |
| David Line | | Benjamin Hathaway | Justices |
| Isaac Vandyne | | Benjamin Smith | |
| Joseph Ketchill | | Jonathan Pettit | |
| Robert Gobel | | Richard Lunday | |
| Robert Gould | | William Henry | |
| Benj ^a Pierson | | | |

His Excellency by Advice of Council Signed the following Warrants

| | |
|---|----------------|
| N ^o 67 To the Hon ^{ble} Robert Hunter Morris Esq ^r Chief Justice for his Salary from the 10 th Day of May 1748 to the 10 th day of February 1748..... | £75 ,, 0 ,, 0. |
| N ^o 68 To Ditto for 72 days Attendance in Council..... | 21 ,, 12 ,, — |
| N ^o 69 To Andrew Johnston Esq ^r for 66 days Attendance in Council between the 15 th Day of July 1748 and the 27 th Day of March 1749..... | 19 ,, 16 ,, — |

¹ Stout.

| | |
|---|--------------|
| N ^o 70 To Ditto Treasurer of the Eastern Division for one Year Salary to the 10 th Day of February last..... | 40 „ — „ — |
| N ^o 71 To John Reading Esq ^r for 37 days Attendance in Council between the 10 th day of August 1748 and the 27 th of March 1749..... | 11 „ 2 „ — |
| N ^o 72 To John Rodman Esq ^r for 45 Days Attendance in Council between the 10 th day of August 1748 and the 27 th day of March 1749..... | 13 „ 10 „ — |
| N ^o 73 To Richard Smith Esq ^r for 45 Days Attendance in Council between the 10 th Day of August 1748 and the 27 th Day of March 1749..... | £13 „ 10 „ — |
| N ^o 74 To John Coxo Esq ^r for 47 Days Attendance in Council between the 10 th Day of August 1748 and the 27 th Day of March 1749..... | £14 „ 2 „ 0 |
| N ^o 75 To Peter Kemble Esq ^r for 74 Days Attendance in Council between the tenth day of August 1748 and the 27 th day of March 1749..... | 22 „ 4 „ — |
| N ^o 76 To Thomas Leonard Esq ^r for 82 Days Attendance in Council between the tenth day of August 1748 and the 27 th Day of March 1749..... | 24 „ 12 „ — |
| N ^o 77 To James Alexander Esq ^r for 62 days attendance in Council between the 10 th Day of August 1748 and the 27 th day of March 1749..... | 18 „ 12 „ — |
| N ^o 78 To Edward Antill Esq ^r for 38 Days attendance in Council between the 10 th Day of August 1748 & the 27 th day of March 1749. | 11 „ 8 „ — |

- N° 79 To James Hude Esq^r for 63 Days attendance in Council between the 10th Day of August 1748 and the 27th Day of March 1749..... 18,, 18,, —
- N° 80 To Richard Smith jun^r Esq^r for the use of Richard Partridge Esq^r Agent of this Province at London for his Salary from the 10th of May 1748 to the 10th of February last..... £60,, —,, —
- N° 81 To John Allen Esq^r Third Justice of the Supreme Court for his Salary from the 10th Day of May 1748 To the tenth of February last..... £18,, 15,, —
- N° 82 To John Allen Esq^r for his Salary as Treasurer of the Western Division for one year, to the 10th Day of February 1748..... £40,, 0,, 0
- N° 83 To Charles Read Clerk of the Council for his Salary from the 10th Day of May 1748 to the 10th Day of February 1748..... 22,, 10,, —
- N° 84 To ditto for his Salary as Clerk of the Circuits from the 10th day of May 1748 To the 10th Day of February 1748..... 15,, 0,, 0

M^r Morris, M^r Johnston and M^r Leonard informed his Excellency & the Board, that John Allen Esq^r one of the Justices of the Supreme Court of this Province had Signified to them that his Sickness had greatly Encreased of late and rendered him unable to attend the Duties of his Office, and therefore Desired his Excellency would give him leave to Resign his Office of Judge of the Supreme Court.

Whereupon his Excellency by the unanimous Advice of the Council was pleased to appoint Charles Read Esq^r to be one of the Justices of the Supreme Court in the Room of M^r Allen, and to Order a Commission to be made out accordingly.

At a Council held at Perth Amboy on Wednesday the 4th
Day of October 1749

Present

His Excellency the Governor

| | |
|--------------------------------|--------------------|
| James Alexander | } Esq ^r |
| Rob ^t Hunter Morris | |
| James Hude | |
| Peter Kemble | |

His Excellency produced his Majesty's Mandamus for the
Admitting M^r Richard Saltar to be one of the Council of
New Jersey in the following words

George R.

Trusty and wellbeloved. We Greet you well.

We being well Satisfied of the Loyalty, Integrity and
Ability of our Trusty and well beloved Richard Saltar Esq^r
have thought fit hereby to Signify our Will and pleasure to
you, that forthwith upon the receipt hereof you Swear and
Admit him the said Richard Saltar to be one of our Council
of that our Province of New Jersey in America, in the Room
of John Hamilton Esq^r¹ Deceased, and for so Doing this
shall be your Warrant, and so We bid You farewell.

Given at our Court at S^t James's the Sixth Day of Decem-
ber 1748 In the twenty Second Year of our Reign.

By his Majesty's Command

BEDFORD

Richard Saltar Esq^r to be of }
the Council of New Jersey. }

Directed as follows.

To our trusty and Wellbeloved Jonathan Belcher Esq^r our
Captain General and Governor in Chief of our province of
Nova Cæarea or New Jersey in America, and in his absence

¹ John Hamilton died 17th of June 1747.—*N. J. Archives* VI., 462.

to our Commander In Chief, or to the President of our Council of our said Colony for the time being

Which Mandamus was read and M^r Saltar took the Oaths appointed by the Acts of Parliament, and also his Oath of Office.

His Excellency laid before the board a draft of a Message he intended to send to the house of Assembly, and it is referred the Consideration thereof, to this Board or any five of them.

At a Council held at Perth Amboy October the 5th 1749.

Present

His Excellency the Governour.

| | | |
|----------------------------|----------------|--------------------|
| James Alexander | James Hude | } Esq ^r |
| Andrew Johnston | Peter Kemble | |
| Rob ^t H. Morris | Richard Saltar | |

This board having considered the Draft of the Message, which his Excellency intended to send to the house of Assembly, communicated by his Excellency Yesterday, the same was approved of in the following words.

Gentlemen of the General Assembly.

In April last I had the Honour of a Letter from the right Honourable the Lords Commissioners of Trade and Plantations in which is a Paragraph respecting an Arrearage of Salary due from this Province to the late Governor Morris at the time of his Death, and on which Account his Executors have Petitioned their Lordships, and Copies of said Paragraph and Petition I send you with this by M^r Secretary.

As this is a Debt justly Due to the heirs of the Late Governour it is Certainly a Great hardship they should be so unreasonably kept out of it. I therefore hope after a proper consideration of what I now lay before you, you will make effectual Provision for the Speedy Payment of it, the

doing whereof you may depend will greatly recommend you to His Majesty's Grace and favour, which must be of the Greatest Service and Advantage to this Province on all occasions, and I recommend this Affair to your most Serious consideration, as it is a Matter in which his Majesty's Government is Essentially Concerned.

J. BELCHER.

Perth Amboy 5th October 1749.

After which His Excellency Desired the opinion of this Board whether they thought anything more was in his power to Do at this time in order to obtain the end proposed by the above Message.

The Board were unanimously of opinion that the sending the above Message to the house of Assembly is all that is at Present necessary for his Excellency to do.

At a Council held at Perth Amboy October the 12th 1749.

Present

His Excellency the Governor.

James Alexander

And^w Johnston

Tho^s Leonard } Esq^r
Rich^d Saltar }

His Excellency laid before this Board a Petition from Aaron Ball and Theophilus Burwell of the same purport with that laid before this house from the same Persons on tuesday last, also the Certificate from John Styles the Goaler of the County of Essex and desired the Advice of the Council thereon ; Then,

His Excellency by Advice of Council signed the following Warrants.

N^o 85 To himself or order for a Quarters Salary between the tenth Day of May and the tenth day of Aug^t 1749£250 ,, 0 ,, 0

| | |
|---|---------------|
| N° 86 To himself or Order for a Quarters house Rent between the 10 th of February 1748 and the 10 th of May 1749 | 15 „ — „ — |
| N° 87 To himself or order for a Quarters Salary between the 10 th Day of February 1748 and the 10 th of May 1749 | 250 „ — „ — |
| N° 88 To himself or order for a Quarters house Rent between the 10 th day of May and the 10 th of August 1749... | 15 „ — „ — |
| N° 89 To the hon ^{ble} Robert Hunter Morris Esq ^r for his Salary as Chief Justice of this Province between the 10 th day of February 1748 and the 10 th of August 1749..... | 50 „ — „ — |
| N° 90 To Andrew Johnston Esq ^r for his Salary as Treasurer from the 10 th Day of February 1748 to the 10 th of August 1749..... | 20 „ — „ — |
| N° 91 To John Allen Esq ^r for Ditto..... | 20 „ 0 „ — |
| N° 92 To Charles Read or his Order for his Salary as Clerk of the Council from the 10 th Day of February 1748 to the 10 th of August 1749..... | 15 „ 0 „ 0 |
| N° 93 To Samuel Smith for 40 Days attendance as Clerk of the Assembly at Burlington in February and March last..... | 16 „ 0 „ — |
| N° 94 To Thomas Bartow for 37 Days attendance as Clerk of the Assembly at Amboy in November and december 1748 | £ 14 „ 16 „ 0 |
| To ditto allowed for Copying Acts and Votes &c..... | 12 „ — „ — |

At a Council held at Perth Amboy on Saturday October 14th 1749.

Present

His Excellency the Governor

| | | |
|---------------------------|--------------------------|--------------------|
| James Alexander | Peter Kemble | } Esq ^r |
| Edward Antill | Tho ^e Leonard | |
| And ^r Johnston | Rich ^d Saltar | |

His Excellency laid before the Council a Draft of a Proclamation for a publick thanksgiving, as follows.

By His Excellency Jonathan Belcher Esq^r Captain General and Governour in Chief in and over his Majesty's Province of New Jersey and Territories thereon Depending in America, Chancellor and Vice Admiral in the same &c

A Proclamation for a publick Thanksgiving Taking into Consideration the manifold blessings of Heaven to a Sinful and Unworthy People, in Particular that it hath pleased Almighty God in much mercy to preserve the Life of our most Gracious King and the rest of the Royal family, and to Bless his Majesty's Councils and Arms, by restoring a General Peace among all the Nations Engaged in the late War. To Continue our invaluable priviledges both Civil and Sacred and that it hath pleased a Gracious God in many respects to Smile on this Province, and not to punish us as our iniquities have Deserved, to favour us with such a plentiful supply of Rain after a Sore distressing Drought, and to Grant the Smils of Province¹ upon the former and latter harvest, filling our hearts with Food and Gladness; which unmerited Instances of the Divine Goodness call aloud for our publick, Humble and most Grateful acknowledgements to the God of all our Mercies.

I have therefore thought fit with the advice of his Majesty's Council to appoint and I do hereby appoint Thursday the twenty third Day of November next to be religiously ob-

¹ Smiles of Providence.

served as a Day of Publick thanksgiving and praise to the great name of God our most Gracious and bountiful benefactor, hereby exhorting both Ministers and People to Join in a publick and Serious manner in offering up their devout and thankful acknowledgments to the God of all our Mercies and at same time to offer up their humble and hearty Supplications at the Throne of Grace for the advancement of the Kingdom of the Lord Jesus Christ in the world and that his blessed Gospel may run and be glorified among all nations and in particular among the Original Natives of this Land and for all in authority over us, particularly that the best of Blessings may Deçend on our Gracious Sovereign King George, the Prince and Princess of Wales, The Duke, the Princesses the Royal Issue, and on every Branch of this illustrious Family that the Protestant Succession may abide before God for ever, that this Province may ever be remembered of God for good, that he would mercifully heal our Divisions, restore Peace and Tranquillity, humble us for our Sins, prevent the Judgments we deserve, that he would incline us to Lead quiet and peaceable lives in all Godliness and honesty under the Government placed over us, that he would Graciously prevent the Growth of Sin and Impiety, revive pure and undefiled Religion and make us a people Zealous of good Works, and all servile Labour is hereby strictly forbidden on said day.

Given under my hand this fourteenth day of October
Anno Dom 1749.

J. BELCHER

By his Excellencys Command.

CHARLES READ Secretary.

God save the King

His Excellency laid before the Board a Message that he had received from the house of Assembly by M^r Crane and M^r Camp this Day and desired the Advice of the Council on the Subject Matter of said Message.

Ordered

That M^r Crane and M^r Camp do wait on his Excellency and acquaint him, that this house humbly Prays him to issue a Commission for holding the Court of Oyer and Terminer and General Gaol delivery in the County of Essex for Trying the Prisoners confined there for high Treason and other Criminals in the said County to be holden at the time appointed by the Ordinance for holding the Circuit Court, or Sooner if he shall think it Proper for them to have a more Speedy Tryal.

THO^s BARTOW Clk

At a Council held at Perth Amboy October 18th 1749.

Present

His Excellency the Governor

| | | |
|-----------------|----------------|--------------------|
| James Alexander | Peter Kemble | } Esq ^m |
| Edward Antill | Thomas Leonard | |
| Andrew Johnston | Richard Saltar | |

His Excellency laid before the house a Messuage he had received from the house of Assembly in Answer to his application to them for the Arrearage of Salary Due to the late Governor Morris, and desired their Advice, whether anything more could be done by him with any Probability of Success; and the house considering the same are of opinion that no further Application will be likely to have the Desired Effect at this time.

October 17th 1749.

Ordered That M^r Leaming and M^r Fisher do wait on his Excellency And acquaint him, in answer to his Message of the fifth Instant,

That this house were in hopes all differences between the late Governor Morris and the Assembly of New Jersey might have been Buried in perpetual Oblivion with the death

of that Gentleman, because his Memory must be precious to his family, to whom they are unwilling to give any uneasiness, and nothing Short of The public welfare could have induced Them to rake into the ashes of The dead: But as They are obliged in Duty to their Constituents and in discharge of The trust Reposed in Them to dissent from what his Excellency has Recommended in his said Message; do therefore Think it incumbent on them to Remark on Some part of the Said late Governor's Conduct, from whence they Conceive Such Dissent both Just and Reasonable.

The house avoiding to mention Many things that might be urged against The said late Governor's Conduct, have Contented Themselves with only Remarking to your Excellency, That Soon after The Said late Governors Accession to the Government he Issued writts for the Choice of a New Assembly, who in Their first Session not only gave him a Salary of £1,000. ^s annum for three years, and £60 yearly for hiring a house during the Said Term; But also a Present of £500. And altho' this Provision was much more than any of the Neighbouring Governments paid, in proportion to Their Abilities, for Support of their Governors, and double the Sum that had been usually given to his Predecessors in This Colony; Yett at the Conclusion of that Session he made them a Speech, and very unthankfully told them he only took That as an earnest of what he Expected; and dissolved Them: And to Compleat his unreasonable Resentment against Them, did, in direct Contradiction of a Law which himself had Signed that very day, forbid the Treasurers to pay them their wages, altho Justly due, and for which They had Obtained Certificates according to the Said Law.

That Notwithstanding the Treatment the first Assembly mett with was hard and Severe, Yet the Succeeding Assemblies did not Retaliate it in its kind; But, on the Contrary, in order to Demonstrate Their Duty and firm Attachment to the Best of Kings, and to Cultivate, if possible a good agreement with him The Said Governor, Continued The Said

Salary and house Rent from time to time until September 1744.

That notwithstanding the Assemblys endeavours for the good agreement above mentioned, in the year 1740 during a long Session of above three months in the Busiest Season of the year, the Two houses having passed a Number of necessary Bills, Some whereof were very long: And in order to further cultivate the Said good agreement, The General Assembly Sent copies thereof to him for his Perusal, but altho' he was not so kind as to point out any of their defects to the house, yet he Oblidged the Assembly to Continue together untill they were all Re-Engross'd with broad Margins &c in order, as he Said, for Affixing the great Seal thereunto. Yet after all This unnecessary trouble and Expence, and application by that Assembly to him to put an end to that Session, he Ordered Them to adjourn themselves for a fortnight to no purpose, and at Their Return Refused his Assent to many of The Said Bills So Re-Engross'd, which Serves to Demonstrate the disposition he had to perplex The Affairs of The Colony.

That in The year 1742, After the Council and Assembly had Spent Six Weeks in preparing and passing Eight good & necessary Bills, he Signed The Bill for Support of Government, and laid all The Rest aside; and with a long Speech, filled with Invectives and charges against the Assembly, Dissolved Them; and all this with out any Reason for such treatment.

That in 1743 Committees of both houses were appointed who mett in a free Conference, of which the Chief Justice and Second Judge of the Supream Court were apart, and Settled and agreed upon a Bill for Establishing a Table of fees, which afterwards pass'd both houses, and to which his Excellency, with all Seeming freedom gave his Assent; yet to the great Surprize of the good people of This Colony, he Soon after wrote home to the Lords Commissioners for Trade and Plantations, Acquainting Them that the fees as Estab-

lished by that Bill were So inconsiderable that no persons of Character or Reputation would care to Accept of Employments in The Colony. The Consequence whereof proved to be Repeal of The Said Bill; So that through his means The Colony has Remained to this day without any Law for Taxing of Bills of Cost, to the grievous oppression of great Numbers of poor people in This Colony

That in the year 1744, The Justices of The County of Hunterdon did Proceed, Contrary to a known Law of This Province, to Chuse a Commissioner of The Loan Office for the Said County, in The Room of Joseph Peace Esq^r deceased Which illegall proceedings being Complained of to the General Assembly They took The Same into Their Consideration, and thereupon addressed The Said late Governor for the Removal of those Justices for their mal administration, Or to order Such other Prosecutions against Them as he, in his Wisdom Should See meet, So that it might effectually deter others from Acting So apparently Contrary to the Express Letter of the Law. But altho the Conduct of The Said Justices was not only Repugnant to a Law which had been Confirmed by his Majesty, but it Also had a direct tendency to lessen the Credit of The paper money, Then passing Current in This Collony; yett notwithstanding The Said Governor was So far from Regarding This or the Assembly's Address, That he became an advocate for the Said Justices Illegall proceedings, Seeming to be displeased with the Assembly for Complaining of them, and in Gratification to his displeasure Continued The Justices, and dissolved the Assembly; and Some time after called another, being The third he had mett with in less than ten months, as appears by their Journals.

Thus did his Excellency exercise The Royall powers with him intrusted, to the great detriment of the Colony, by his frequent Calling, Prorogueing, and Dissolving the Assembly's, and often keeping Them together Sitting for a long time to no manner of purpose. Thus was the powers of Government abused, and That of The people's being Repre-

sented in General Assembly, which was designed by our most Gracious Sovereign to be the Means of Compleating the happiness of his Subjects in This Colony, and Really is one of the greatest Temporal Blessings that a free people can enjoy on Earth; was by the misuse of it, become a very great Grievance.

That after his Excellency had detained The Assembly together at Amboy in the year 1745 near two months altho' he himself was very often a Great distance from them, Sometimes at Trenton, and Sometimes at or near Brunswick; by which all Communication between him and them was So cutt off, that it was Rendered almost Impracticable, except at times when he Thought proper to come to Amboy, and Pro-rogue them for a few days, or otherwise Chastise them; and after all the Reasonable proposals, that the Assembly could think of, were made, This Session finished without having its desired effect.

That frequent and Long Sittings and no business of any Consequence being done, were then become So very common, and the debts of The Colony thereby So highly increased, that The Assembly easily foresaw the necessities the Colony would Soon be Reduced to, without great care; And his Majesty being at That time Engaged in a war with France and Spain, and this Colony having Chearfully given Several thousand pounds in The West India and Cape Bretton Expeditions, and reason to believe They Should Soon be called upon by his Majesty for further Assistance against his Enimies, and much talk of The French Sending a large fleet to Revenge upon Those Colonies the Indignity their Arms had Suffered in the loss of Cape Breton; and This being a defenceless Government, without any manner of fortification and Liable to be Attacked for near 300 miles, The Assembly would have been greatly wanting in Their Duty to his Majesty and his faithfull Subjects of this Colony if They had not endeavoured to keep the State of The Treasury in as good a Condition as possible. And time has Sufficiently

verified that These imaginations were but too well Grounded, for, altho kind Providence did not permitt the fleet of Our Aspiring Enemies to Attack us, yet this Colony were Called upon by his Majesty to Assist in the late intended Expedition Against Canada: in which Expedition they have actually Expended above £20,000, including what was lent the Crown for Arming and Cloathing the forces Sent from hence.

These Reasons and many more being Sufficiently weighed, The Assembly Proposed to The Governor in The year 1746, That they would willingly Support The Government by giving his Excellency £1000. for two years, Immediately out of The Treasury, and also £1000 out of the first Interest money which should Arise by the new Bill for making £40,000, Provided he would Sign the few Bills which were then pass'd by both houses, ready for his Assent, as appears by their Message of May 7th 1746; and he at that time was. So far from having any Objections to the Said Bills, That he Returned The following answer

“So now it plainly appears That when They might have
 “had all The Acts they pretended to desire, and were Seem-
 “ingly So fond of, and the forty Thousand pound Bill passed
 “with a Suspending Clause, They Refuse to have them upon
 “the Terms They have hitherto asked Them. I will (as I
 “have Assured Them) pass the Bills They Seem So fond of,
 “on Condition They Joyn in Supporting The Government in
 “as large and Ample a manner as usuall and not otherwise.
 “By This their Constituents may See that they might have
 “had the forty thousand Pounds they desired, if his Majesty
 “would be pleased to approve of it.”

By which your Excellency may observe The mistake of that Representation to the Board of Trade, of The Salarys being *withheld meerly on Account of his Adherence to his Duty and Obedience to the directions of That Board.* And plainly See That it was not any objection he had to the £40,000. Bill; That actually being offered with a Suspending Clause, as all others of The kind offered by the Assemblys of

New Jersey to him had been ; and which he Said they might have had on The Terms There proposed. From whence your Excellency will Observe that he Refused to do the Duties of Government Except the Assembly would give him Such a Salary as he asked, and in his own Mode and way ; which, without resigning Their liberties, they could not do.

That from the foregoing Remarks, with his Refusing to do the duties of Government, The house conceive their dissent from what his Excellency has Recommended with Respect to the Said late Governor Morris will appear both Just and Reasonable. But to put the matter beyond dispute They Beg leave further to remark that altho' Governor Morris in his lifetime did, and his Executors now, do, insist upon the payment of what Some are pleased to term arrears, Yet the house have his own opinion in a Similar case to Justify their not allowing them : for during the time That Lord Cornbury was Governor of This Colony, many Irregularities having crept into the Administration, and the Said Governor Morris being at that time one of the most leading men in The house of Assembly, They thought proper to withhold the Said Lord's Salary for The two last years of his being Governor, and notwithstanding great Endeavours were used to Obtain it, yet the house do not find that either he or his Executors were ever allowed one farthing.

That the house hope his Excellency will be Sufficiently Satisfied That nothing can be reasonably demanded on account of The said late Governor Morris's pretended arrears ; it being a Subject So universally disliked in This Colony, That there is None except those who are immediately Concerned in point of Interest, or particularly influenced by those who are, will Say one word in its favour.

That it is altogether unlikely any Assembly of this Colony will ever look upon that to be a Just debt, or apply any money for the discharge thereof ; And That they cannot conceive the further Recommendation of it will be any advantage to the said Executors.

THO^t BARTOW CL^k

At a Council held at Perth Amboy October 20th 1749.

Present

His Excellency the Governor

| | | |
|-----------------|--------------------------|---------------------|
| James Alexander | Tho ^a Leonard | } Esq ^{rs} |
| Andrew Johnston | | |
| Peter Kemble | Rich ^d Saltar | |

His Excellency by Advice of Council Signed the following Warrants.

- N^o 95 To Andrew Johnston Esq^r to pay for
the use of the Council Rooms fire
and Candle to the 25th 7^{br} 1749 as
by two last Support Bills..... £47 ,, 7 ,, 9
- N^o 96 To the Executors of Joseph Bonnell
Esq^r for his Salary as Second Justice
of the Supreme Court from the 10th
of February 1748/9 to the 14th Day
of March following..... 2 ,, 6 ,, 10
- N^o 97 To Ditto for M^r Bonnell's holding
Seven Courts of Oyer and Terminer
&^o in Bergen in the years 1744,
1745, 1746, and 1747; and in Essex
in the years 1745, 1746, and 1747.. 70 ,, — ,, —
- N^o 98 To Andrew Robinson for 37 Days
attendance as Serjeant at Arms to
the Assembly at a Sessions at Perth
Amboy in November and December
1748..... 5 ,, 11 ,, —
- N^o 99 To Peter Savory for 159 days attend-
ance as Serjeant at Arms to the
Council during Sundry Sitzings of
General Assembly before the 25th
Day of September 1749..... 23 ,, 17 ,, —

N^o 100 To John Titus Door keeper of the
Assembly for 37 days attendance in
the Sessions in Novem^r and Decem-
ber 1748..... 5 „ 11 „ —

Then M^r Alexander Delivered to his Excellency the Advice
of the Council in the following words.

To his Excellency Jonathan Belcher Esq^r Captain General
and Governor in Chief in and over his Majesty's Province of
New Jersey and Territories thereon depending in America,
Chancellor and Vice Admiral in the same.

May it please Your Excellency.

In obedience to Your Excellency's order in Council of the
12th Instant Referring to us the Petition of Aaron Ball and
Theophilus Burwell,¹ Prisoners for Treason in the Gaol of
Essex at Newark; and desiring the Advice of the Council
thereon.

We have considered the same as well as the other things
before us, and this short time would Admitt, and have also
Considered the other Papers then and since, by Your Excel-
lency laid before us to consider on that Occasion; to witt, his
Majesty's fortieth Instruction to Your Excellency, & the mes-
sage of the Assembly of the 14th Instant, Praying Your Excel-
lency to issue a Commission for Trying the said Prisoners in
the County of Essex, and other Criminals in the said County:
And in Answer to Your Excellency's said desire, We beg
leave to lay before Your Excellency, for your Consideration,
the Resolves of the Council of the 12th of December last
which were Communicated to the Assembly, and do appear
in their Printed Minutes of the 13th of December last, We
do assure Your Excellency that We are far from thinking
we have any reason to Change our opinion Expressed in
those resolves, but many things to Confirm us in them, such
as the Growth of the Number of the Rioters, which must

¹ See N. J. Archives, VII., 405.

naturally be expected from The Assiduity of their heads, and the encouragement Given them by the refusal of the then house of Assembly, to do anything against them and by the last and present Sessions of Assembly, absolutely refusing and declining to Raise any money for Guarding the Gaols, wherein any of them should be Confined, or to bring them to Tryal in other Counties, where fair and Impartial Juries could be had. The Growth of the Rioters must also be naturally expected, from their Continuing to Plunder other Mens estates; and the hopes of a Share of the booty must naturally Induce all the vagobonds of this and the neighbouring Provinces to inlist with them, and Sign their Combinations and agreements.

Another reason is, that we are informed by M^r Paris our Agent at the Court of Great Britain, that the Proceedings of the Council of December last,¹ whereof the said Resolves are part have been considered by the Lords Commissioners for Trade and Plantations and were by them approved of; and are further informed by M^r Paris (as we Doubt not Your Excellency is by M^r Partridge) That his Majesty's Ministers seem fully resolved to Advise his Majesty to afford adequate relief, for restoring the Peace and Laws of this Province: and that the ways and means to gain that end were under their Consideration, and particularly were Considering how far his Majesty's Mercy and Gracious Pardon should be Extended to the Criminals, and what exceptions to make Out of it, for Examples to prevent the like disturbances for the future.²

Another reason arises from the depositions and examinations taken last week and this, by the Members of the Council, which we now beg leave to lay before Your Excellency, with the brief Collection of the Substance thereof in the Minutes of the Council of the 17th Instant, by which Your Excellency will see the improbability that two Lawful Juries can be found in the whole County of Essex, for the Indict-

¹ See p. 47-54 *ante*.

² See N. J. Archives, VII., 301-316.

ment and Tryal of any one of the many hundred of Criminals there.

For more Strongly expressing our opinions on this occasion, We beg leave to Suppose, that while the Rebels in England were lately in actual possession of the City of Carlisle, some of them had Surrendered themselves to the Magistrates of that City, and Petitioned for a Commission of Gaol delivery to try them ; The objection to that Petition would have been very obvious, viz^t That while Carlisle was in the hands and power of the Rebels, no Jury, without the perill of their lives Durst find any of the Prisoners Guilty ; and if they did, Yet no Judge or Officers Dared to Give and Execute the Judgment. The same Objections We Conceive, lie equally against Granting at this time the Commission requested by the house of Assembly and the Prisoners : With this one further, to Witt, that tho' the Rebels were Masters of Carlisle, Yet many Loyal Subjects were then in it, no ways related to the Rebels, and consequently there was no want of Lawfull Juries to Try ; but here, in this Case it's notorious, and it appears to the Greatest probability, by the above Depositions, that tho' there are many Loyal Subjects in Essex County, Yet they are so related by blood or Marriage to the Rioters, or some of them, that no lawful juries can at present be found in Essex to Indict and try the Criminals ; and therefore if tryed by such Juries as can there be found, there's little doubt, but that they must be acquitted.

We are also of opinion, that should We advise Your Excellency to Grant such Commission, and Your Excellency by our advice should Grant it, and any Persons accused of Treason, should be thereon Tried and Acquitted, That (in the present Circumstances of Essex County, and while the Matter is under his Majesty's Deliberation) We should be far more Guilty of Treason, than any of those who have broken Gaols and rescued from thence Prisoners committed for Treason ; for in that Case, the Prisoners rescued might be again taken up and Tryed ; But should they be acquitted by such Com-

mission, tho' never so Guilty, they would be thereby as we Conceive, in Effect rescued forever.

Upon the whole, we beg leave, humbly to advise Your Excellency not to Grant the Commission requested, until his Majesty's Pleasure, in this Matter now before him be Signified to Your Excellency.

We are—May it please your Excellency
Your Excellency's most obedient,
And Most Humble Servants

JAMES ALEXANDER.
EDWARD ANTILL.
AND^r JOHNSTON.
PETER KEMBLE.
THOMAS LEONARD.
RICHARD SALTAR.

At the same time were delivered to His Excellency the Several Depositions referred to and abbreviated in the Minutes of Legislation of the 17th of October Instant.

Pursuant to an adjournment of the General Assembly His Majesty's Council for the Province of *New Jersey* met at Burlington on

Tuesday the 21st of February 1748.

Present

The Hon^{ble} John Reading }
John Rodman } Esq^r
Richard Smith }

His Excellency Came into Council, and having by the Secretary Informed the house Of Assembly¹ that he was in

¹ This the Seventeenth Assembly was composed as follows: *City of Perth Amboy*—Samuel Nevill, Lewis Johnson; *Middlesex*—John Wetherill, James Smith; *Monmouth*—John Eaton, Robert Laurence; *Essex*—John Crane, Joseph Camp; *Somerset*—J. Van Middleswardt, Hendrick Fisher; *Bergen*—Laurence Van Buskirk, Derick Dey; *City of Burlington*—Richard Smith, Jr., Daniel Smith; *County of Burlington*—William Cook, Joshua Bispham; *Gloucester*—Joseph Cooper, James Hinchman; *Salem*

the Council Chamber, Ready to Receive the Presentation Of their Speaker.

The house Attended, and Presented Samuel Nevill Esq^r for their Speaker.

His Excellency was pleased to Approve their Choice.

His Excellency By the Secretary Commanded the Attendance of y^e House Of Assembly, They Attended and his Excellency Was pleased to Make y^e following Speech to both Houses.

Gentlemen Of y^e Council and of the General Assembly,

It is Now above eighteen Months Since My Arrival to This Government, In Which time I Often Urged the Council and y^e late Assembly to fall into Some Effectual Measures for Putting An end to y^e Confusions and Disorders I found the Province In At My Arrival, And had So been for Many Years Before, Arising from A Wicked Combination of Audacious Rioters, Situated In Many Parts Of y^e Province: I was indeed Pleased With the Steps taken In the Last Winters Session By the Whole Legislature; to Bring those Outragous People Into A Loyal And Dutiful Behaviour to the King, And to his Government; But I am Sorry to Say (what You All know) That the Measures taken have Not Produced The Desired Effect: This therefore (With Other Reasons) Was The Occasion Of my Dissolving the Late Assembly hoping Upon a New Choice, There Might Come On a Better Harmony Between his Majesty's Council And the General Assembly, In this And in All Other Matters. And as We are Now at the first Session Of this Assembly, Let Me Intreat You, and kindly Caution You, Against Unhappy Feuds and Animosities Among Your Selves. the Sacred Oracle tells Us, the Wringing of the Nose Bringeth forth Blood. And that it is better to leave Off Contention Before it is Medled With "

—William Hancock, John Brick; *Cape May*—Aaron Leaming, Jacob Spicer; *Hunterdon*—William Mott, John Embly. Eight of these were not members of the last Assembly; and of these eight only one (Lewis Johnson) had before served.—See *Proc. N. J. Hist. Soc.*, V., 80.

Gentlemen, I had Not Given You the Trouble of Meeting Me At this Difficult Season, But that I Think the Present Distressed State Of y^e Province, with respect to the Rioters, Loudly Demands Your Immediate and Effectual care.

And I Must Now, Gentlemen Of the General Assembly more Particularly turn My Self to You, That You Would Give an Instance Of Your Real Tender Regard To Your Constituants, the Good People Of this Province, By Making Without Delay, What May be Judged A Sufficient Supply Of Money for Defraying the Charges Of Guarding the Jails, As it May become Necessary: For While those Atrocious Villians Lay Open the Doors of y^e Kings Prisons With Impunity, there Can Be No end Of Mobbing and Rioting, Nor Can the Kings Good and Obedient Subjects Be Safe In their Persons, Liberties, Or Estates. You Would Do Well to Consider, What further Laws May Be Necessary for Curbing and Suppressing the Unparallel'd Insolence Of those People.

Gentlemen, of the Council, And of y^e General Assembly, If Nothing Should be Agreed On By You In this Session, For Bringing to Condign punishment Such persons as get together From time to time, With a spirit of Murder, Against The Officers of y^e Government, Who are In the Execution Of their Duty, For the Defence And Support of the Kings Authority And of the Laws of the province, I Say, if Nothing Should Be Done Among Our Selves, I Must, In Duty to the King, And for the Real Regard I have for The Welfare And prosperity Of the good people Committed to My Care, Lay the Present Deplorable State Of this province and Government Before his Majesty, And Implore his Royal Aid For preventing their Becoming A Rude Scene of Anarchy, With all its fatal Consequences.

JONⁿ BELCHER

Burlington February y^e 21st 1748/9.

The House continued till
Friday the 24th Day of February 1748

The House Met

Present

| | | |
|------------------------------------|---|------------------|
| The Hon ^{ble} John Rodman | } | Esq ^r |
| John Reading | | |
| Richard Smith | | |
| John Coxe | | |
| Thomas Leonard | | |

His Excellency's Speech to Both houses Was Read
 The House continued till Monday Feb^r 27 1748.

The House Met

Present

| | | |
|-------------------------------------|---|------------------|
| The Hon ^{ble} John Reading | } | Esq ^r |
| John Rodman | | |
| Richard Smith | | |
| Peter Kemble | | |
| Thomas Leonard | | |

The House continued till Wednes^d March 1st 1748.

The House Met

Present

| | | |
|-------------------------------------|---|------------------|
| The Hon ^{ble} John Reading | } | Esq ^r |
| John Rodman | | |
| Richard Smith | | |
| Peter Kemble | | |
| Thomas Leonard | | |

M^r Richard Smith Acquainted the House that M^r Fisher
 and M^r Leaming from the house Of Assembly had Delivered
 to him A Bill Entituled, An Act to enable the Legislature
 to Settle the Quotas of y^e Several Counties in this Colony;

And also A Bill Entituled [An Act] to Ascertain the Line and Bounds Between y^e Counties Of Somerset And Morris, Together With the Orders Of that house to y^e Said two Members, To Carry the Said two bills to the Council for their Concurrence: Which Bills And Message He had received from them, this house Not Sitting, At the time, And he Delivered the Same In At the Table.

The above Bills Were Read the first time, And Ordered A Second Reading.

The House continued till Friday March y^e 3^d 1748

The House Met

Present

| | | | | |
|-------------------------------------|---|----------------|---|------------------|
| The Hon ^{ble} John Reading | } | John Cox | } | Esq ^r |
| James Alexander | | Peter Kemble | | |
| John Rodman | | Thomas Leonard | | |
| Richard Smith | | | | |

The Bill Entituled An Act to Ascertain the Line and Bounds between the Counties Of Somerset And Morris, Was Read a Second time And Committed to the Gentlemen Of y^e Council Or Any Three of them.

Also, the Bill Entituled, An Act to Enable the Legislature to Settle the Quotas Of the Several Counties Within this Province,

Was Read A Second time And Committed as Above

M^r Smith Acquainted the House, That M^r Spicer & M^r Wetherill from the House Of Assembly Had Delivered to Him A Bill Entituled, An Act to further Continue An Act Entitled An Act for better Settling & Regulating the Militia Of this Colony Of New Jersey, for the Repelling, Invasions and Suppressing Insurrections & Rebellions, Together With an Order From the House Of Assembly to the Said Two Members to Carry The Same to the Council for their Concurrence, Which Bill and Message He had received from them, And He Delivered the Same In At the Table.

Which Said Bill Was Read the first time and Ordered a Second Reading

His Excellency's Speech Was Read a Second time,

Resolved, That an Humble Redress¹ be Presented To His Excellency In Answer Thereto.

Ordered That M^r Alexander, M^r Rodman & M^r Coxe Be A Committee To Prepare A Draft of the Same & Report it, to this House With All Expedition

The House continued till Saturday March 4th 1748

The House Met

Present

| | | |
|-------------------------------------|----------------|---------------------|
| The Hon ^{ble} John Reading | John Coxe | } Esq ^{rs} |
| James Alexander | Peter Kemble | |
| John Rodman | & | |
| Richard Smith | Thomas Leonard | |

M^r Alexander from the Committee Appointed to prepare A Draft of the Address In Answer to his Excellency's Speech, Reported, that the Committee had Prepared the Same Accordingly, Which was Read And Sundry Amendments being Made thereto Was Agreed to by the House And Ordered to be Engross'd.

The Re-Engross'd Address being read & Examin'd,

Ordered, That the Speaker Sign the Same;

Ordered, That M^r Coxe & M^r Kemble, Do Wait On his Excellency And Acquaint him that the House is ready, to Attend Him With the Said Address, When his Excellency Will be pleased to receive the Same.

M^r Kemble from the Committee, to Whom the Bill Entitled An Act to Ascertain the Line & Bounds Between The Counties of Somerset And Morris, Was referred, Reported that The Committee Had gone through the Same, To Which they Had Made One Amendment, Which he was

¹ Address.

ready, to Report When the House Would be pleased to Receive the Same.

Ordered, that the Report be Made Immediately.

Whereupon, he read the Amendment In its place, And Delivered the Same in At y^e Table.

Ordered That the said Amendment be read a Second time, Agreed to By the house,

Ordered, That the said Amenden¹ Be Engross'd.

The Bill Entitled, An act to Ascertain the Line & Bounds Between the Counties of Somerset & Morris, With the Engross'd Amendment being read the Third time;

And the Question Being put?

Resolved, That the Said Bill As Amended Do Pass.

Ordered, that the Speaker Do Sign the Same:

Ordered, That M^r Kemble Do Carry the Said Bill With the Amendment to the House Of Assembly And Desire Their Concurrence to y^e Said Amendment.

M^r Kemble reported that he had Obey'd the above Order.

M^r Coxe & M^r Kemble Reported, That they had Waited On his Excellency, Who was Pleased to Say, That he was Ready, to receive the Address Of this House Immediately. The Council Immediately Waited on His Excellency with Their Address Which is in the following Words.

To His Excellency Jonathan Belcher Esq^r Captain General and Governor In Chief, In & Over His Majesty's Province Of New Jersey, And Territories thereon Depending in America, Chancellor and Vice Admiral in the Same.

The Humble Address, Of his Majesty's Council for y^e Province of New Jersey In General Assemblies met.

May it Please Your Excellency,

We His Majesty's Council for y^e Province Of New Jersey Beg Leave to Return Your Excellency Our hearty Thanks For Your favourable Speech to Both Houses, At y^e Opening Of this Session.

¹ Amendment.

And We hope Your Excellency will believe We are Not A Little Concerned, That y^e Continuance And Increase Of the Disorders and Confusions in this Province (Occasioned By a Combination Of Abandoned Villians, Who have frequently broke Open his Majesty's Goals, And Rescued the Prisoners therein Confined For High Treason And Others Crimes ; And Who have[ing] in Many Others Instances Attempted to Subvert his Majestys Laws And Government) Made it Necessary For your Excellency to Call The Council and Assembly together At this Season. Yet those Repeated Outrages And Particularly the Late Impudent Attack Upon the Goals Of Essex At A Time When y^e Legislature Were Actually Sitting At Amboy, Rendered it Incumbent On Your Excellency In regard to the Duty You Owed to His Majesty And Out of Tenderness to the Welfare of y^e Inhabitants Of this Province, to Pursue this And every Other Method, Which Might be Thought Effectual For Preventing, the Growth Of this Unparalleled Scheme of Wickedness.

And We Do declare to Your Excellency, That We Shall Heartily Fall into any Measure and Join Your Excellency and the Other Branch of the Legislature, In Enacting Such Laws As May Contribute to Curb ye Insolence of these Audacious People, And We hope the Other Branch of y^e Legislature Will be As Truly inclin'd As We Are to take Your Just And Kind Caution And Advice, Not to enter into Any feuds Or Animosities, Which, As We Are Sensible, May be Productive Of Many Inconveniences, but of No One Solid Advantage, We Shall As Much As in Our Power Lyes Endeavour to Avoid.

As the Steps taken the Last Winter Sessions By the Legislature, To Bring, these Audacious Criminals To A Sense Of and return to their Duty Have Not Produced the Desired Effect And as the Lenity Of the Government Towards them Has been treated By Most Of them With Contempt, We Would Not Suppose the House of Assembly Will Delay Or Refuse To Do At this Juncture What May be Proper to

restore the Peace And Harmony Of his Majesty's Government, Especially Since Any Means We May fall Upon Among Our Selves, Which May Answer that end Must Be Less Felt By Us, And be Much More Eligible, than For Us by a Neglect Of Our Duty to Draw down the Resentment Of His Majesty And his Ministers, Which Must be the Unavoidable Consequence If We Suffer things To Proceed to the Utmost Extremity, And Will be Attended With this Peculiar Hardship, That the Innocent Will be of Course Sufferers, And Involved With the Same calamities With the Guilty.

But if it Must be the Misfortune Of this Province to be reduced to fly for Assistance to y^e King We Presume To Say Your Excellency Would Strongly Testify Your Duty to his Majesty And Esteem for His Loyal Subjects Under Your Care By Laying the Deplorable State & Condition Of this Colony Before him And Imploring his Royal Aid And Interposition, And We Do Assure Your Excellency We Shall Think Our Selves Indispensably Obligated To Concur With And Afford Your Excellency Our Utmost Assistance In Representing to his Majesty And his Ministers, The Unhappy Situation And Circumstances Of this Distressed Province.

JOHN READING, Speaker

March 14th¹ 1748.

The House Continued till Tuesday March 7th 1748.

The House Met

Present

| | | |
|--|---------------------------|--------------------|
| The Hon ^{ble} James Alexander | And ^m Johnston | } Esq ^m |
| John Rodman | Peter Kemble | |
| Richard Smith | Thomas Leonard | |

M^r Smith Acquainted the House, That M^r Crane & M^r Bispham From the House of Assembly, Had Delivered to Him A Bill Entituled, An Act for Naturalizing Peter

¹ March 4th?

Schmuck, Philip Marot And Peter Bruier, And Also the Bill Entituled, An Act to Ascertain the Line And Bounds Between the Counties of Somerset & Morris To Which (As Amended By the Council) The House Of Assembly Had Agreed, and also the Orders of the House of Assembly to The Said two Members to Carry the Same to y^e Council, Which Bills And Messages He Had Received From them, This House not Sitting at the time, And he Delivered the Same In at the Table.

The Bill Entituled, An Act for Naturalizing Peter Schmuck, Philip Marot, And Peter Bruier Was Read the first time And Ordered a Second Reading

The Bill entituled, An Act to ascertain the Line and Bounds Between the Counties of Somerset And Morris being Compared.

Ordered, That the Speaker Do Sign the Same

A Message From the House Of Assembly, By M^r Spicer And M^r Wetherill.

Ordered, That M^r Spicer And M^r Wetherill Do Wait On the Council, And Acquaint them that this House Desires to be informed What Progress that House have Made In the Quota Bill and the bill for Continuing the Militia Act.

By Order of the House

SAMUEL SMITH Clerk

The Bill Entituled, An Act to Further Continue An Act for Better Settling And Regulating the Militia Of this Colony of New Jersey &^e Was read a Second Time & Committed to y^e Gentlemen of the Council, Or Any Three of them.

His Excellency, By the Secretary Sent to this House His Answer to their Address.

Gentlemen of the Council,

I thank You for Your Address So Full of Duty & Loyalty To his Majesty And of Tender Regard to his People of

New Jersey, And Unless Effectual Measures Should be fallen Upon By All the parts of y^e Legislature Before the end of this Session of Assembly I shall Desire Your Advice And Assistance, the better to enable Me In Representing, the Distrest Condition of this Province to His Majesty And Imploring his Royal Aid for Saving this People from ruin and Destruction.

J: BELCHER

Burlington }
March 7th 1748 }

Ordered, That M^r Leonard Do Acquaint the House Of Assembly, that the Bill Entituled, An Act to Further Continue An Act for better Settling And Regulating the Militia of This Colony & And the bill Entituled, An Act to Enable The Legislature to Settle the Quotas & Have been twice read In this House & Are Committed, And Are Now Under the Consideration, Of Committees of this House.

The House Continued till Three O'Clock P. M.

The House Met

Present as before.

M^r Johnston, from the Committee, to Whom the Bill Entituled, An Act to Further Continue An Act Entituled, An an [act] For Better Settling And Regulating, the Militia of this Colony Of New-Jersey & Reported y^e Same Without Amendment.

Ordered, That the Same be read y^e third time

The Bill Entituled, An Act to Further Continue An Act Entituled, An Act for better Settling And Regulating the Militia & being read the third time.

And the Question being put?

Resolved; That the Same Do Pass;

Ordered, That the Speaker Do Sign y^e Same.

Ordered That M^r Johnston Do Acquaint the house of As-

sembly, That the Said Bill Pass'd This House This Afternoon.

M^r Johnston, Reported that he had Obeyed the Above Order. M^r Leonard, Reported that he had Delivered the Order to him given this Morning To the Speaker Of y^e House of Assembly, The House Not Sitting.

His Excellency Came Into Council, And having by The Secretary Informed the House Of Assembly That he was In the Council Chamber, Ready to receive the Address of That House.

The House of Assembly Attended and by their Speaker Delivered the following Address.

To his Excellency Jonaⁿ Belcher Esq^r Captain General and Governor In Chief In and Over His Majesty's Province of New Jersey, And Territories Thereon Depending In America Chancellor And Vice Admiral in the Same, &c

May it Please Your Excellency,

We His Majesty's Dutiful And Loyal Subjects The Representatives Of the Colony of New Jersey, In General Assembly Convened, Beg Leave to Assure Your Excellency, That We Are Heartily Concerned [that] Your repeated Endeavours With the Council And Late Assembly, To fall into Some Effectual Measures For Putting an end to the Confusions & Disorders Which You found The Colony in At Your Arrival, Should Prove so Ineffectual Through a Combination of Audacious Rioters Yet Continuing In their Wonted Obstinacy, Notwithstanding the Steps hitherto Taken By the Legislature to bring them Into a Loyal and Dutiful behaviour, To the King, And to the Laws of this Government: However by the best Intelligence We have as Yet Received, We are informed that those Offenders In the Township Of Maidenhead, In the County of Hunterdon, Who have had One Months Notice Who the Persons Were that Your Excellency Was Pleased to Appoint to take the Oaths And Qualifications of Those People, According to the

Conditions of His Majesty's Pardon, That you was Pleased to extend, Have Generally, If Not Wholly Taken the Benefits Thereof.

But We are Sorry we have Not Received the Like Information From the County of Essex, Where those Unhappy People Are More Numerous, And Where We Understand They had no Longer Notice of the Time and Place That Your Excellency's Commissioners Appointed them to Accept the benefit of that Act, Than from Sunday to the Next Wednesday Following, On which Day the time of their Accepting, His Majesty's Said Pardon Expired, And in Which Short time We Can Understand fourteen of them Complied therewith, From Whence It's Rational to Infer That had they had the Like Notice for One half the time Intended [by] Your Excellency in the Said Act, A Much Larger Number, If Not All of them Might have Submitted Themselves To their Duty ; And As We Are A New Choice of the People From thence, Your Excellency May in Some Measure Be Able to Judge How far They have Approved of the Conduct Of the Late Assembly, And We Are Now Well Satisfied Of Their Opinion Touching this Unhappy Affair Concerning the Rioters ; And We hope on Our Parts to Give No Just Cause To Prevent A Harmony From Subsisting Between Us, And The Gentlemen of His Majesty's Council, And Shall firmly Endeavour to Avoid Any Unhappy Feuds Or Animositities Among Our Selves.

We Are Sorry the Unhappy Circumstances of the Colony Should have Given Your Excellency the trouble Of Calling Us At this Difficult Season, As Also the former Assemblies So frequently heretofore, Which has been Attended With Such Great Expence to y^e Publick, and So Injurious to the Members Private Affairs ; however We Shall Endeavour to fall Upon Such Measures As Shall appear to Us Most Conducive to put An end to y^e Disorders of this Colony, Which has been the Subject of Our Present Meeting.

We assure Your Excellency, We have A Most tender

Regard to Our Constituants, And Are Sincerely Disposed To Maintain His Majesty's Gracious Government Over Us, which By the Most Solemn ties We are bound to Do, But at the Same Time We Must beg leave to Inform Your Excellency, That the Present Circumstances of the Colony Will Not Admit this House To Raise Money for Guarding the Goals, Nevertheless We hope Some Expedient Less Difficult And More effectual May be fallen Upon To bring these People to their Obedience; The House However Would Not be Understood to Discourage the Officers from putting the Laws Now in being, In Execution, Against both them And the Counterfeiters Of Money, Whose Evil Practices are Productive of Many Very Pernicious Effects.

We Shall Consider Whether Any Further Laws May be Needful to Curb those Disorderly People; And if Upon Due Consideration We find them Necessary, We Shall then give All convenient Dispatch Thereto.

If ever this Unhappy Affair of the Rioters Should be drove to Such Extraordinary Lengths, As to render it necessary for Your Excellency To Represent it to his Majesty, We hope You will Please to Do it With the Greatest Caution And Impartiality And With the Tenderest regard to the Security And Peace of His Majestys Loyal Subjects In this Colony; And for Preventing As Much As Possible, The Innocent from Suffering With the Guilty In the Said Unhappy Affair (Which is Principally Owing to Private Controversies About Titles of Land) We Humbly Pray Your Excellency Will be Pleased to Open the Case fully to His Majesty, By pointing Out to him y^e Principal Claimers of Those Lands In Dispute With their Claims, And What Posts they fill In the Government, On the One Side, And also the Principal Promoters Of the Rioters And Disorders With their Claims, and What Reasons they Pretend to have for Not Coming to Tryal, On the The Other Side; from Whence his Majesty May be enabled to Judge of the Cause that has Pro-

duced those Unhappy Effects, Which When removed Will Consequently restore Peace And Tranquility to the Colony.

Those of the People Called }
Quakers Who Agree to the }
Above Address Make their } SAMUEL NEVILL, Speaker.
Usual Exception To the Stile }

To Which His Excellency Was Pleased to Reply,

Gentlemen

I Shall Consider Your Address & Send You An Answer.

The House continued till Wednesday March 8th 1748.

The House Met

Present

| | | |
|--|-----------------|--------------------|
| The Hon ^{ble} James Alexander | Andrew Johnston | } Esq ^r |
| John Rodman | Peter Kemble | |
| Richard Smith | Thomas Leonard | |

The Bill entituled, An Act for Naturalizing Peter Schmuck, Philip Marot, And Peter Bruier, Was read a Second time And Committed to the Gentlemen of the Council Or any Three of them.

The House Continued till Thursday March 9th 1748.

The House Met

Present

| | | |
|-------------------------------------|-----------------|--------------------|
| The Hon ^{ble} John Reading | John Coxe | } Esq ^r |
| James Alexander | Andrew Johnston | |
| John Rodman | Peter Kemble | |
| Richard Smith | Thomas Leonard | |

M^r Smith, from the Committee to Whom the Bill Entituled, An Act for Naturalizing Peter Schmuck, Philip Marot And

Peter Bruier, was referred, Reported the Same Without Amendment.

Ordered, that the Said bill be read A Third time,

Which being Done and the Question Put?

Resolved, that the Same do Pass;

Ordered, That the Speaker Do Sign the Same

Ordered, That M^r Smith Do Acquaint the House of Assembly, that the Said Bill Passed this House this Day.

M^r Daniel Smith and M^r Bipsam,¹ from the House Of Assembly Presented for the Concurrence of this House A Bill entituled, An Act for y^e better Repairing And Amending the Publick High ways, Roads Streets Wharf And Bridges Within the Town of Burlington, Which Bill Was Read the First time, And Ordered A Second Reading.

The House Continued till Friday March y^e 10th 1748

The House Met.

Present

| | | |
|-------------------------------------|-----------------|--------------------|
| The Hon ^{ble} John Reading | John Coxe | } Esq ^r |
| James Alexander | Andrew Johnston | |
| John Rodman | Peter Kemble | |
| James Hude | Thomas Leonard | |

The Bill Entituled, An Act for the better Repairing the and Amending the Publick Highways, Roads Streets, Wharf And Bridges Within the Town of Burlington, Was read the Second time And Committed to the Gentlemen of the Council or any three of them.

The House Continued till Saturday Mar^h 11th 1748.

The House Met

Present

| | |
|--|---------------------------|
| The Hon ^{ble} James Alexander | James Hude |
| John Rodman | John Coxe |
| Richard Smith | And ^r Johnston |
| Rob: H. Morris | Peter Kemble |

¹ Bipsam.

M^r Smith, from the Committee, To Whom the bill Entitled, An Act to enable the Legislature to Settle the Quotas Of the Several Counties In this Colony, Reported that the Committee had gone through the Same, And had Made One Amendment, Which he was ready to report, When the House Would be Pleased to receive the Same.

Ordered, That the Report be Made Immediately.

Whereupon, he read the Amendment in its Place As follows.

Whereas, by the Royal Instructions to His Excellency The Governor, He is Directed in these Words,

Provided always, That You do Not Consent to Any Act, Or Acts, to Lay any Tax Upon Unprofitable Lands.¹

It is hereby, Declared that Nothing in this Act is Meant Or Intended to break in Upon the Said Instruction, Or to Warrant the Said Assessors to put any Unprofitable Lands into The Said List Or Account of things To be Taxed.

The House Continued till Tuesday March 14th 1748

The House Met

Present

| | | |
|-------------------------------------|---------------------------|--------------------|
| The Hon ^{ble} John Reading | John Coxe | } Esq ^r |
| John Rodman | And ^r Johnston | |
| Richard Smith | Peter Kemble | |

M^r Smith from the Committee to whom the bill entitled, An Act for the better Repairing and Amending the Publick Highways, Roads, Streets, Wharf and Bridges Within the Town of Burlington, Was Referred, Reported the Same Without Amendment.

Ordered, that the Said Bill be read the third time,
And On the Question Put?

Resolved, that the Same do pass.

Ordered, That the Speaker do Sign the Same.

Ordered, that M^r Smith do Acquaint the House of Assembly, that the Said bill pass'd this house this Day.

¹ N. J. Archives, VI., 49, 50.

Ordered, That the Amendment to the Bill Entituled, An Act to Enable the Legislature to Settle the Quotas & Be read A Second time.

And the Amendment being read A Second time, It was Agreed to by the House, And Ordered to be Engrossed

The bill Entituled, An Act to enable the Legislature to Settle the Quotas of the several Counties of this Colony With the Engross'd Amendment, Being read the third time.

And the Question Being Put ?

Resolved, That the Said bill as Amended do Pass ;

Ordered, That the Speaker Do Sign the Same :

Ordered, That M^r Smith Do Carry the Said bill with the Amendment Made thereto to the House Of Assembly. And Desire the Concurrence of that House To To the Said Amendment.

The House Continued till Wednesday March 15th 1748.

The House Met

Present

| | | |
|-------------------------------------|---------------------------|--------------------|
| The Hon ^{ble} John Reading | John Coxe | } Esq ^r |
| James Alexander | And ^r Johnston | |
| John Rodman | & | |
| Richard Smith | Peter Kemble | |

M^r Smith, reported that he had Obeyed the Order of Yesterday.

A Message from the House of Assembly By M^r Lawrence And M^r Hancock.

Ordered, That M^r Lawrence and M^r Hancock do Carry the bill Entitled, An Act to Enable the Legislature To Settle the Quotas, & To the Council, Together with the Amendment Made thereto by that House, And Acquaint Them that This House Have Rejected the same N. C. D. and Adheres to The Bill.

By Order of the House

SAM^l SMITH Clk.

The House continued till Three O'clock P. M

The House Met

Present as above

This House Taking into Consideration the Message From the House of Assembly, Delivered this Morning by M^r Lawrence And M^r Hancock In relation to the Amendment Made To the Quota bill In these Words

Whereas, By the Royal Instructions to His Excellency The Governor He is directed in these Words

Provided always, That You do Not Consent To Any Act Or Acts to Lay Any Tax Upon Unprofitable Lands

It is hereby Declared, that Nothing In this Act Is Meant Or intended to break in Upon the Said Instruction Or To Warrant the Assessors to Put Any Unprofitable Lands Into the Said List Or Account Of things to be Taxed.

And this House Conceiving themselves in Duty bound Not to Deviate from, Or Pass Any Law Contradictory To His Majesty's Instructions, Are Unanimously of Opinion That they Cannot Consistent With the Said Instruction Pass the Said Bill Without Amendment.

Wherefore, The House doth Unanimously Resolve To adhere to the Said Amendment, And do Order That M^r Smith Do Acquaint the House of Assembly therewith, And Request A Conference On the Subject Matter Of the Said Amendment, And Acquaint the House of Assembly That this House Have Appointed M^r Alexander, M^r Morris and M^r Kemble, A Committee to Conferr With Such Committee As the House of Assembly Shall Appoint On the Said Subject Matter. And that The Said Committees Do Meet At the House of John Trapnell In this City to Morrow At Five O'Clock In The Afternoon.

The House Continued till Thursday March 16th 1748.

The House Met

Present

| | | |
|-------------------------------------|----------------------------|--------------------|
| The Hon ^{ble} John Reading | Rob ^t H. Morris | } Esq ^r |
| James Alexander | James Hude | |
| John Rodman | Andrew Johnston | |
| Richard Smith | Peter Kemble | |

M^r Smith reported that he had Obeyed the Order Of Yesterday.

A Petition to this House From a Number of Persons Stiling themselves A Number Of His Majesty's Loyal Subjects, Inhabiting the Northern parts of this Province was Delivered By two persons ; which Petition was read.

Ordered, that the persons who delivered the Same Do Attend this House Immediately.

The Persons who Delivered the Said petition Attending the Following Queries Were put to them, To which they gave the Following Answer.

1st What Are Your Names? Answer. John Condit, Nathaniel Camp.

2^d Did You deliver this petition? Shewing it. Answer Yes.

3^d Did You See Any of the Signers Write their Names Upon these papers? Answer Yes.

4th Were those Names Subscribed to this petition Or to Another? Answer, Some to this Some to another With the Same words which They Deliver A Copy.

5th Was the petition wrote Before or after the Names Upon the papers Annexed thereto? Answer, Before.

6th Did the Subscribers know this to be the Tenour of the Petition to which they Subscribed? Answer, It was read to Many and They Believe to All.

7th Do You Know the Reason, Why so Great part of the Sheet Of Paper, Whereon the Petition is Wrote remains

blank without One Name Wrote Thereon? Answer, this was kept from being Carried About that it Might Not be Sullied but Copies From It Were Carried About.

8th Do either of You know Why Some Names are Wrote On Small Pieces of Paper And fastned to the Other Papers, And What Are those Reasons? Answer, They Say that Some Copies Of this Petition Were Carried About and the Persons Signed in three Columns And they were Cut Of And Annexed

9th Why Are Many of the Names Annexed to the Petition In One and the Same Hand writing? Answer, They Believe that Many of the Persons Could Not Write, and Might Get Other Persons to Write for them And that Some of the Persons Order their Names to be Put Down By Others Who were Signing.

10th In Whose hand Writing is this Petition? Answer, They Believe it is M^r Smith's A Minister in the Mountains.¹

His Excellency Came into Council, and By the Secretary having Commanded the Attendance Of the House of Assembly, And They Attending He Delivered his Answer to their Address In the Following Words

Gentlemen of the General Assembly.

What You Delivered to Me a few days ago, in Answer (On Your Part) to My Speech, Made to his Majesty's Council, And to You, At the Opening of this Session, being Lengthy, And On Various heads has Made it Necessary for Me to Consider it, in the best Manner I Could—And in My Reply I am sorry to Say You have Not Confined Your Selves to the Subject Matter of my Speech; wherein I told you, the reason of my Calling you together at this time was upon the Distrest State of the Province with respect to the Rioters and their breaking the Kings Goals. But as you have gone into other Matters it may be proper for me to set you right in

¹ The Rev. Caleb Smith, pastor of the "West Society of Newark at the Mountains," now the First Presbyterian Church, Orange, N. J.

such things wherein I imagine you to be mistaken; But I would first of all say to you once more what I think needful on the special business of this Session; which is, to make ample Provision for the Security of the Kings Jails, and to bring forward such further Laws as may Effectually Suppress the Present Spirit of Sedition, and of Vile Combinations to Overthrow the Kings rightful Government over this Province. And this Spirit began many years before my Arrival among you, and by the Neglect of former assemblies, is got to the Desperate height which all true Lovers of Peace and good Order behold with abhorrence To tell me Gentlemen, that "*the present Circumstances of the Colony will not admit this House to raise Money for Guarding the Goals.*" If I Can Guess at your meaning, it must be that the people are not able to bear the Charge; but sure, this is to say nothing at all, for when this Province was hardly a fourth Part so big as it is now, I think you will find on Enquiry, they gave for Support of one Part of the Government only, near three thousand pounds a year of the present Currency unless the Goals Can be Secured for the just Confinements of all Transgressors of the Law, there must be an end to all Law & Justice in this province—Again, if the Circumstances of the province will not admit the raising of Money to guard the Jails—but that Villians may Commit Theft, Murder, and Treason and make this Colony a stage of all sorts of wickedness and at the [same] time enjoy their Perfect freedom and Liberty, I believe you will think with me that it is high time to implore His Majesty's protection of those that are his Loyal and Dutiful Subjects, and to prevent the Total Defection of Numbers of others, who seem at Present to be withdrawing their Duty from His Most Sacred Majesty If you would argue from the Choice made of this assembly, that the people in General approve the Conduct of the late assembly, who would not go into Measures for thoroughly extirpating the Spirit of Rioting. I am afraid this will be thought Branding Yourselves and Your Constituents as abettors of

the Rioters, and really Gentlemen, if nothing be Done by You at this time for reducing these People to their Obedience to the Kings Government, will not the House of assembly, be too Justly thought Accessories with the Rioters? For our Saviour told His Disciples, "he that is not against us is on our part." Let me then Gentlemen expostulate with You, as You Value the Peace and Good Order and the real welfare of Your Country, to do what is much in Your Power for saving this People from still Greater Difficulties. If You should neglect Your Duty at this Critical Juncture, But if you will not let me Prevail with you, you and this People I fear will too late repent your bringing me under a Necessity of doing my Duty, by representing to His Majesty without Delay, the present Deplorable State of this His Province of Nova Cæsarea, or New Jersey—and I believe you will readily agree with me, that the King will then in His Royal Wisdom take such steps as shall Effectually prevent a wild herd of Rioters from Severing This People and Government from their allegiance and Duty to the Imperial Crown of Great Britain. For such must be the Consequence of their Present machinations and proceedings—History will tell you what were the terrible Effects of such Insurrections in a Neighboring Colony and as I Dare no longer refrain laying this Matter before the King you may Depend I shall Do it, by stating Matters of fact, and them sufficiently Vouched and Supported by your own Journals as well as other good Evidence—and where the heavy Load of Charge and Tax in Order to Cut off the head of this Hydra may fall, I am not able to Say, but in such Cases the innocent often Suffer with the Guilty—Gentlemen, at my Arrival in this Province, I found the General Assembly under an adjournment to 20, August 1747 when I met them, and in a few Days at their own Desire, I adjourned them on to such time as best Suited their own Convenience for Coming together, and then they Sat their own time and till they Desir'd to rise, and when your Act for Support of Govern-

ment expired, I was then Obliged to Call them again, and then I Did not Oblige them to Come together till it best accomodated their private affairs—and your Coming together at this time is occasioned from the present Distracted State of this unhappy Province—and having said these things I Cannot but Observe to you, that I am surprized at these words in your address “*As also the former assemblies so frequently heretofore which has been attended with such great Expence to the Publick, and So Injurious to the Members private affairs.*” I say Gentlemen, to Couch such Expressions in an address to me with meaning to apply them to me is indecent and a gross misrepresentation, because you well know I treated the late Assembly (the Only one except this, that I have had to do with) with reason Temper and kindness, not only in Passing all their acts, but also in writing to the Kings Ministers, that they might Obtain the Royal approbation.

What you mention of the Disputes about the Claims and Titles of Lands, is what the Kings Governor has nothing to do with, the Law must have its Course. Yet if you Gentlemen of the assembly are inclined to favour these Obstinate People by raising a large Sum of money (for such perhaps it will require) to fee Council learned in the Law, and to take out the Voluminous Copies of Law Suits, on this account, and to Transmitt them to Great Britain, I don’t know that I shall have any thing against it.

Gentlemen—as I said to the late Assembly so I now do to you, that I have not a claim to an Acre of Land in this Province, nor have any private or Sinister ends to Pursue among you; but am determined according to my best understanding to the utmost of my power, to do my Duty to the King in the Support of His just Honour and authority, in Seeking the Welfare and happiness of His good People of this Province Committed to my care.

Burlington }
March 16th 1748/9 }

J. BELCHER.

A Message from the House of Assembly by M^r Spicer and M^r Fisher.

Ordered, that M^r Spicer and M^r Fisher, do wait on the Council and acquaint them, that this House Having Deliberately Considered their message of this Day, are of Opinion, that notwithstanding the Motives this House acted upon in refusing their Amendment to the bill to Enable the Legislature to settle the Quotas, are in themselves just and reasonable, yet as the Council seem to look upon them in another light we esteem it necessary to Declare, that the Bill as Passed by this House, is not only Conformable to former Laws of this Province, but in the part proposed to be amended is fully and Clearly expressed and that the Royal Instruction as related in the Councils Message do not (as we Conceive) at all Clash or interfere, with the words used by this House in the said Bill, which words amongst other things in Declaring what may hereafter be made Taxable are as follow. "The whole of all profitable Tracts of Land, held by Patent Deed or Survey whereon any improvement is made." as the natural and obvious import of these words as they stand in the bill is only to Enable the Legislature hereafter, to know the Quantity of profitable Tracts of Land whereon improvement is made. And as the Royal Instruction forbids the Governor to give His Consent to Tax unprofitable Lands, that is, As the taxing Profitable Lands only, and the not taxing unprofitable Lands seems in no respect inconsistent with each other. We are at a loss to Account for the Different Sentiments upon this Matter, or why the Council should, "unanimously be of Opinion that they Cannot Consistent with the said Instruction, Pass the said bill without their Amendment," Especially as there appears such a Necessity of the said Bill at this time to Support Government and Discharge the Debts of this Province, and which is the third of the kind Passed by this and the Last Assembly, within fifteen months Past—and besides that Experience Proves it to be Clear from any ill Consequences. The allowing the

Governor to have been the proper judge of his own instructions in this Matter Could have been of no great Disadvantage, as the alteration Proposed Differs but little, as to the matter of Substance at least in the Opinion of this House; who notwithstanding Cannot but Set too Just a Value upon the natural rights & priviledges Invested on the Representative Body of this Province, than to Consent to any alteration in a bill which so nearly affects the Priviledges of the People we represent; in which we hope to be excused by the Gentlemen of the Council, however fond they may be of making the thing in Dispute of as much Consequence as actually laying a Tax. This House however upon the whole do unanimously refuse to Conferr upon a Subject that is really laying a foundation for it.

By Order of the House

March 16th 1748.

SAMUEL SMITH Clk.

The House Continued till Friday March 17th 1748.

The House Met

Present

| | | |
|-------------------------------------|----------------------------|--------------------|
| The Hon ^{ble} John Reading | Rob ^t H. Morris | } Esq ^r |
| James Alexander | James Hude | |
| John Rodman | And ^m Johnston | |
| Richard Smith | Peter Kemble | |

The House Continued till Saturday March 18th 1748.

The House Met

Present

| | | |
|-------------------------------------|--------------------------|--------------------|
| The Hon ^{ble} John Reading | James Hude | } Esq ^r |
| Ja ^s Alexander | Jn ^o Coxe | |
| Jn ^o Rodman | And Johnston | |
| Rich ^d Smith | Peter Kemble | |
| Rob ^t H. Morris | Tho ^s Leonard | |

The House Continued till Monday March 20th 1748.

The House Met

Present

| | | |
|----------------------------|--------------------------|--------------------|
| James Alexander | James Hude | } Esq ^r |
| Richard Smith | And. Johnston | |
| Rob ^t H. Morris | Tho ^s Leonard | |

The House Continued till Tuesday y^e 21st 1748

The House Met—Present as above

The House Continued till Wednesday y^e 22^d 1748

The House Met

A Message from the House of Assembly by M^r Wetherill and M^r Emley.

Application having been made yesterday by this House to His Excellency, Praying, that he would be pleased to extend His Majesty's Gracious Pardon to the late Rioters, to which His Excellency was pleased to reply, he would do all in His power to restore the Peace of the Colony, in Joining with the other branches of the Legislature in such measures as they thought proper for that Purpose, therefore, Ordered that M^r Wetherill & M^r Emley do wait on the Council, and acquaint them, that this House has appointed M^r Lawrence, M^r Spicer, & M^r Leaming, M^r Cooke, M^r Fisher & M^r Eatton to be a Committee to join a Committee of the Council, in a Free Conference upon the Subject matter above mentioned, at such time & Place as that House shall appoint.

By Order of the House

March 22^d 1748

SAM^l SMITH, Clk.

It is Ordered, that M^r Leonard do Acquaint the House of Assembly, that this House requests a Copy of the application

made yesterday by that House to His Excellency, and His Excellency's answer thereto, mentioned in their said Message.

CHA READ.

M^r Leonard reported, that he had Obeyed the above Order.

The Clerk of Assembly brought a Copy of the Application made to His Excellency the Governor.

Ordered that M^r Lawrence, M^r Crane, M^r Camp, M^r Fisher, M^r Spicer and M^r Wetherill, do wait on His Excellency & acquaint him, that during the Deliberations of this House it has been represented to us by a Petition from about One hundred and seventy Inhabiting Chiefly the Northern Parts of this Colony, That some of them have been left "unadvisedly to Commit Disorderly Riots, in Defence of what they supposed their just rights, and are now Convinced that such Practices are illegal and wrong & by no means to be Persisted in" for which reason they humbly pray the House would Petition Your Excellency "for an Act of Grace on the mildest terms," Declaring at the same time that "it is the utmost they Desire that the Titles of the Lands in Dispute may be Decided by a fair Tryal, before Disinterested Judges" since which We understand, that Two Persons in their behalf have made a Proposal to two Gentlemen of the Opposite side for coming to Tryal, which we hope will be accepted: Under these Considerations and because a Considerable Number of those Deluded People (by what means we know not) had not the time intended them by the late Act of Pardon for accepting the benefit thereof; and Conceiving that should their Desires be Granted it wou'd greatly Contribute to restoring the Peace of the Colony. This House doth become Petitioners to Your Excellency, that Your Excellency would be pleased once more to extend His Majesty's Gracious Pardon, especially to those who were Guilty of the Late Disorders before the said Pardon was extended, & have behaved themselves Peaceably since, upon the Terms they Humbly Propose in the above said Petition.

M^r Lawrence reported, that the Gentlemen & himself appointed to wait on His Excellency with the Message of this House of this Morning had waited on His Excellency accordingly, who was pleased to say, That he would do all in his power to restore the Peace of the Colony in joining with the other branches of the Legislature, in such Measures as they shall think proper for that purpose.

A True Copy from the Minutes of assembly of Yesterday for the Council.

By Order of the House

SAM^l SMITH Clk.

The House Continued till Thursday March 23rd 1748.

The House Met.

Present

| | | |
|--|---------------------------|--------------------|
| The Hon ^{ble} James Alexander | James Hude | } Esq ^r |
| John Rodman | And ^r Johnston | |
| Richard Smith | Thom ^s Leonard | |
| Rob ^t H. Morris | | |

The House taking into their Consideration the Message of yesterday from the House of assembly, by M^r Wetherill and M^r Emley, are of Opinion, that by the Constitution of England, all acts of mercy flow from the Crown, and are always Granted upon his Majesty's Special Grace and mere Motion, That His Majesty has been pleas'd to entrust the Powers of Pardoning in this Province so far as he intended they should be exercised, soley with His Excellency the Governor, who is the Only Judge when, & on what Terms they should be used. This House therefore do not Conceive it Proper to enter into a Conference upon a Matter with which they have not the least right to intermeddle, and which may Come before them in another Capacity, Should His Excellency think fit to ask their Advice on the head as a Council of State. As to the other Point in the said Message this House is willing to join

in any effectual Measures for restoring the Peace of the Province, and to receive any Proposals for that purpose; to which end they have appointed M^r Hude, M^r Coxe, and M^r Johnston, to be a Committee, to Conferr with the Committee of the House of Assembly; to meet at the House of John Trapnell in this City, at four O'Clock this Afternoon.

Ordered, that M^r Leonard do Carry the above message to the House of assembly.

The House Continued till Friday March 24th 1748.

The House Met,

Present, as yesterday

M^r Alexander laid before this House three affidavits Concerning the Rioters, taken before him, Viz^t

A third Affidavit of John Kenny Dated the tenth of Dec^r 1748 of some insolencies of the Rioters.

The Affidavit of Matthew Phillipse of horse-neck, Dated The 20th of Dec^r 1748, Confirming sundry things appearing by former Depositions of other Persons; and Particularly, that he was Present when the Rioters Chose assessors and Collectors and saw them Chosen, That they lay and Levy Taxes and Oblige the Payment by threatning to burn¹ the refusers out of possession, that they have a Person appointed to warn them to Meet when any of them is arrested, in Order to rescue them, That in the Preceding week, One Francis Cook was about to warn the Rioters at Horseneck to Meet to show themselves in their whole Number to the Governor, on the 21st of Dec^r and gave out that the Governor had sent for them.

The affidavit of Archibald Morrison of Lametunk in Hunterdon County, Dated the 22^d December 1748, he says that on the Friday before, he saw an advertisement at the Door of a Tavern in Pepack, which he heard read and He believed

¹ Turn.

the Tenor was, that all those that belonged to the Club in the Counties of Essex, Bergen and Somerset, and Society in the County of Hunterdon should Come to the House of Justice Herd at Woodbridge on the 21st of December.

The Secretary laid before this House, three affidavits mentioned in the Minutes of the Assembly of the 24th of Feb^y last Viz^t

The Affidavit of John Herd, Dated the 13th of Feb^y last, of Stephen Crane the 14th of Feb^y and of William Gilman¹ taken the 15th all before Samuel Nevill Esq^r Second Justice of the Supreme Court, which show that upwards of twenty of the Rioters, amongst whom was Amos Roberts, met at the House of Justice Herd at Woodbridge one Day in the week after the end of the then last Session of Assembly and said they expected several Hundreds then to Meet there to go and show the Governor that the Mobb Party were the strongest or greatest part of the Province, that they Assaulted and used many threatnings to Justice Herd, they Dared the putting any of them in Perth Amboy Goal again, and threatned if they Did to Pull it down to the Ground, The said Roberts Vaunted, that he had three hundred Men at His Call at any time, they Damned the Township of Woodbridge, and said there was not a Man in it & that they would Drive the whole Town, That the said Amos Roberts was revered by the Company as if he had been a King.

The House Continued till Saturday, March 25th 1749.

The House met. Present as yesterday with M^r Coxe.

M^r Coxe from the Committee appointed by the Message of the Council of the 23rd of this Instant to Conferr with the Committee Of assembly appointed by the Message sent the Day before by M^r Wetherill and M^r Emley do report, that the Committee met at the time & place in the said Message

¹ For Gilman's affidavit and purport of that of Stephen Crane, see N. J. Archives, VII., 231-233.

mentioned, but the Committee of the House of Assembly having Declared that the House had given them no Instructions to make any Proposals & therefore Conceived themselves not at Liberty so to do untill they had Consulted the House of Assembly, which they engaged they would the next Day ; The Committees by agreement Adjourned till three of the Clock the next afternoon, and having then met, the Committee of the Assembly made a Proposal in the following words.

“If His Excellency the Governor should be pleased to Grant another Act of Pardon to the People Guilty of the Riots & Disorders in this Colony, Whether then the Council will Concurr with the Assembly in Passing an Act for staying of all Process against the said People Concerning Titles of Land and executing Writts of Possession, and also Concerning recovering or Compelling the Payment of bills of Cost for such time as shall be agreed on between both Houses only excepting such Cases wherein the Claimers to Lands on each side shall agree to Come to Tryall.” And the Committee of the Assembly being asked by the Committee of the Council, whether they had any other or further Proposals to make? they answered, that as they had made One Proposal, they thought it was Necessary that the Committee of the Council should also make another ; to which it was replied, that as all the Propositions they thought Convenient and Proper for restoring the Peace and Harmony of the Province were Contained in His Excellency’s Speech to both Houses at the opening of this Session & which the Assembly by their Address have Declined to Comply with it was to little use to repeat them, however the Committee of the Council are of Opinion, that the Substance of that Speech was agreeable to the Sentiments of their House, and the Committee of the Council then pressed the Committee of Assembly to Consider of, and fall upon some other and more effectual Measures to Suppress the Riots and Disorders in the Province : Whereupon, the Committee of the Assembly insisted to know, whether the Council had given their Committee Power to agree or Disagree to any Proposal? To which they were

answered, that the Message sent to the Assembly by the Council, appointing the Committee to Conferr on this head, sufficiently explained & expressed their authority, and that they were ready to receive any Proposals the Assembly's Committee had to make for restoring the Peace of the Government: But they still persisting in their refusal to take any other Steps in Order to Suppress and Put an end to the Riots and Confusions now subsisting in the Colony, the Conference was thereupon broke Off and ended.

Which report and the Conduct of the Committee of this House being Considered of, are unanimously approved of.

M^r Alexander laid before this House, the following Copy of a Representation to His Majesty, by Order of the Gentlemen of the Council whose names are to to the same, and Acquainted this House, that one Original was Signed by them and sent to His Grace the Duke of Bedford, with a Copy of the Minutes of Council so far as Concerned the Rioters During the last Session at Perth Amboy, and a Printed Copy of the Minutes of the Assembly of the same Sessions, and referred His Grace to them; and to the Minutes of Council and Assembly of former Sessions transmitted by His Excellency, for Proof of the Facts, and sent the like of everything to the Lords Commissioners for Trade and Plantations; which representation is in the following words.¹

To the Kings most Excellent Majesty

The Humble Address and representation of several of the Members of His Majesty's Council for the Province of New Jersey.

Most Gracious Sovereign.

We, the Members of your Majesty's Council for the Province of New Jersey, think it our Duty to lay before your Majesty the present state and Condition of this Province of New Jersey; We do therefore humbly begg leave to represent to your Majesty, that in the Year 1745, when your

¹ This address is dated "Decemr 22d, 1748," and printed in N. J. Archives, VII., 189.

Majesty was employed in Carrying on a Warr against France and Spain and quelling an Unnatural Rebellion then raging in Great Britain, Great Numbers of Men in this Province, not regarding that Duty of allegiance which is Due to your most Sacred Majesty, entered into Combinations to set themselves up in Publick Opposition to your Majesty's authority and Government, and by Artful False Tales & wicked insinuations have Associated to themselves great Numbers of the Most Ignorant People of this Province; in Consequence of these Combinations they have by their Declarations and Practices Denied your Majesty's right to the Soil and Government of your Plantations; Avowing, that the Royal Grants thereof are Void & Fraudulent, and have, for three years past treated your Majesty's Name, authority and Government here, with the most Contemptuous Slights; breaking open Goals. Appointing Captains and officers, raising Money, Marching about the Province in large bodies, and Plundering the Estates of those that Dont join them; and tho' Many of these Disturbers were long ago Indicted for High Treason, yet such is their Number and Strength, that it has not been in the Power of the Government to bring one of them to Tryal.

We beg leave to assure your Majesty, that your Council for this Province, have done their utmost endeavours to Put a Stop to an Evil so Dangerous in its Consequences, and were in Expectation, that the Assembly of this Province would have heartily Joined in supporting your Majesty's authority against the treasonable Attempts of a sett of Rebels: But we are Concerned to say, that notwithstanding the Strong and Frequent recommendations of this Matter to them, and their Solemn Promises to strengthen the hands of the Government, they have Trifled with it for three years together, and now refuse to do any thing against them, which will give them so much encouragement, that they may soon overrun this Province, and spread the Rebellion into your Majesty's other Colonies.

The Suffering these traiterous Proceedings to go on so long with Impunity has brought this unhappy Province into such Circumstances that your Majesty's authority and Laws Cease to be a Protection to the Persons or Estates of your Faithful Subjects here, who are threatned with ruin and Destruction if they Attempt to Oppose these Daring People in the Execution of their wicked Schemes.

We therefore think it our indispensable Duty, & agreeable to the trust your Majesty has been pleased to repose in us, to lay these Matters before Your Majesty. A more Particular Account of which we have transmitted to your Majesty's Principal Secretary Of State, and to the Lords Commissioners for Trade and Plantations.

We heartily and Sincerely wish Your Majesty a long and Prosperous Reign, and are,

May it Please your Majesty,

Your Majesty's Most Dutiful
Subjects and Servants

JAMES ALEXANDER
ROB^t HUNTER MORRIS
EDWARD ANTILL
JAMES HIDE
ANDREW JOHNSTON
PETER KEMBLE.

Which representation and report being Considered, they are Unanimously approved of by this House.

The House Continued till Monday March 27th 1749

The House Met.

Present

| | | |
|-------------------------------------|----------------------------|--------------------|
| The Hon ^{ble} John Reading | Rob ^t H. Morris | } Esq ^r |
| James Alexander | James Hide | |
| John Rodman | John Coxe | |
| Richard Smith | Andrew Johnston | |

The House Continued till Tuesday 28th March 1749.

The House met

Present

| | | |
|-------------------------------------|---------------------------|--------------------|
| The Hon ^{ble} John Reading | James Hude | } Esq ^r |
| James Alexander | John Coxe | |
| John Rodman | And ^r Johnston | |
| Richard Smith | Peter Kemble | |
| Rob ^t Hunter Morris | Thom ^s Leonard | |

A Draft of a Letter to His Grace the Duke of Bedford one of His Majestys Principal Secretaries of State, Concerning the Rioters, being laid before this House was read, Considered and Approved of, in the Following words,

May it Please Your Grace,¹

Six of the Members of His Majestys Council in December last Transmitted to your Grace a representation to His Majesty of the Deplorable State of this His Province of New Jersey; since which, that representation has been approved of by all the rest of His Majesty's Council; as your Grace will Observe by their Minutes of the Twenty fifth Instant.

We, the Members of His Majesty's Council do now beg leave to Acquaint Your Grace, That since that time His Excellency the Governor Dissolved the late Assembly, and Called a New One to Meet in February last; and then recommended to them, in very earnest Terms, the Miserable Condition of this Province, occasioned by a Number of Riots & Insurrections; and Pressed them to make Provision for Guarding His Majesty's Goals: and that otherwise he should be under a Necessity of Laying the Matter of laying the Matter before His Majesty: But neither that recommendation, nor a Speech afterwards from His Excellency, in still more Strong and Cogent Terms, had any Effect with the Assembly to make such provision or to do any thing against the Rioters, but on the Contrary, they Did many things in their favour; and tending to assume upon themselves the

¹ See N. J. Archives, VII., 236.

powers of Government within this Colony and to render His Majestys Commands of no Force, as will be Evidenced by the Minutes of the Council and Assembly of this Session, which we Doubt Not will be Transmitted by His Excellency to your Grace

Wherefore, we and others His Majestys Loyal Subjects Continue to have no hope of relief for past Injuries, or of Safety of our Lives or Property's for the Future against the wicked Combinations and Growing Strength of the Rioters and Traitors, but from His Majesty's Speedy and effectual Interposition for restoring and Preserving His Government and Laws.

We Doubt not His Excellency will lay this unhappy Affair before your Grace, but Still, we Cannot think it Consistent with our Duty to Omitt the Doing of it,

We are May it please your Grace: Your Graces Most Obedient & Most Humble Servants

| | |
|---------------------------|----------------------------|
| PETER KEMBLE | ROB ^t H. MORRIS |
| THO: LEONARD | JN ^o READING |
| JN ^o COXE | JA: ALEXANDER |
| AND ^m JOHNSTON | JOHN RODMAN |
| JA HUDE | |

Burlington }
March 28th 1749 }

May it Please your Lordships

We beg leave to Enclose to your Lordships a Copy of a letter, which we now Transmit to His Grace the Duke of Bedford, and are,¹

Resolved, that two fair Copies thereof be made and Signed by the Members of this House, to be Transmitted to His Grace the Duke of Bedford by Different Opportunities.

Resolved, that Two more fair Copies be made and Signed by the members of this House, to be Enclosed and Transmitted to the Lords of Trade.

¹ Here, doubtless, follow in the original the names of the signers, as affixed to the foregoing letter.

His Excellency Came into Council & having by the Secretary Commanded the Attendance of the House of Assembly, He was Pleased to give His assent to the following Acts.

1st An Act to ascertain the Line and bounds, between the Counties of Somerset & Morris

2^d An Act to further Continue An Act, Entituled, An Act for better settling and regulating the Militia of this Colony of New Jersey; for the repelling Invasions and Suppressing Insurrections and Rebellions.

3^d An Act for the better Repairing and Amending the Publick Highways, Roads Streets, wharf, and Bridges within the Town of Burlington.

4th An Act for Naturalizing Peter Schmuck Philip Marot and Peter Bruier.

And then His Excellency was pleased to Adjourn the General Assembly of this Province to meet at on thursday the eighteenth Day of March next.¹

At a Council held at Perth Amboy October y^e 5th 1749.²

Present

His Excellency the Governor

| | | |
|----------------------------|-----------------|---------------------|
| James Alexander | Andrew Johnston | } Esq ^{rs} |
| Rob ^t H: Morris | Peter Kemble | |
| James Hude | Richard Salter | |

This Board having considered the Draft of the Message which His Excellency intended to send to the House of Assembly Communicated by His Excellency to this House Yesterday, the same was approved of in the following Words.

¹ The next session of the General Assembly began September 28th, 1749.

² A meeting of the Council as an advisory body, while the General Assembly was in session, as hereafter appears.

Gentlemen of the General Assembly.

In April last I had the Honour of a Letter from the Right Honourable the Lords Commissioners for trade and Plantations in which is a Paragraph respecting an Arrearage of the Salary due from this Province to the Late Governor Morris at the time of his Death;¹ and on which Account his Executors have Petitioned their Lordships and Copies of Said Paragraph and Petition I send you with this by M^r Secretary—As this is a Debt justly due to the Heirs of the late Governor it is certainly a Great hardship they should be so unreasonably kept out of it. I therefore hope after a proper Consideration of what I have laid before you, you will make effectual Provision for the Speedy Payment of it the doing whereof you may depend will Greatly recommend you to His Majesty's Grace and Favour which must be of the Greatest Service and advantage to this Province on all Occasions, And I recommend this affair to your most Serious Consideration as it is a Matter in which his Majesty's Government is essentially Concerned.

J: BELCHER

Perth Amboy Oct^r 5th 1749

After which His Excellency desired the Opinion of the Board whether they thought anything more was in his power to do at this time in Order to obtain the End proposed by the above Message.

The Board were Unanimously of Opinion that the Sending the above Message to the House of Assembly is all that is at present Necessary for His Excellency to do

In answer to which the Assembly Sent the following Message,²

Ordered,

That M^r Leaming, and M^r Fisher do wait on His Excellency and Acquaint him, in Answer to his Message of the

¹ See N. J. Archives, VII., 174.

² Printed in N. J. Archives, VII., 336.

fifth Instant, that the house were in hopes all difference between the late Governour Morris, and the Assemblies of New Jersey, might have been buried in perpetual Oblivion with the Death of that Gentleman, because his Memory must be precious to his Family, to whom they are unwilling to give Any uneasiness; and nothing short of the Publick Welfare could have Induced them to rake into the Ashes of the dead; but as they are obliged in duty to their Constituents and in discharge of the Trust reposed in them to dissent from what his Excellency has recommended in his Said Message, do therefore think it incumbent on them to remark on Some part of the Said Late Governor's Conduct, from whence they Conceive such dissent both Just and Reasonable.

The house avoiding to mention many things, that might be urged against the said late Governors Conduct, have Contented themselves with only remarking to Your Excellency, that soon after the said late Governors Accession to the Government, he issued Writts for the Choice of a New Assembly, who in their first Session not only gave him a Salary of £1,000 per annum for three Years, and £60 Yearly for Hiring a house during the said Term, but also a Present of £500, and altho' this Provision was much more than any of the Neighbouring Governments paid, in Proportion to their Abilities for Support of their Governors, and double the Sum that had been usually given to his Predecessors in this Colony, Yet at the Conclusion of that Session he made them a Speech and very unthankfully told them, he only took that as an earnest of what he expected and Dissolved them. And to Compleat his unreasonable resentment against them, did, in direct Contradiction of a Law which himself had Signed that very day, forbid the Treasurers to pay them their Wages, altho' Justly Due, and for which they had obtained Certificates according to the Said Law.

That notwithstanding the Treatment the first Assembly met with, was hard and Severe, yet the Succeeding Assemblies did not retaliate it in it's kind, but on the Contrary, in Order

to demonstrate their duty and firm Attachment to the best of Kings, and to Cultivate (if possible) a good agreement, with him the said Governor, continued the said Salary and house-rent from time to time until September 1744.

That notwithstanding the Assembly's Endeavours for the good agreement above mentioned, in the year 1740 During a long Session of above three Months in the busiest Season of the Year, the two houses having passed a Number of Necessary Bills, Some whereof were very long; and in Order to further Cultivate the said good agreement, the General Assembly sent Copies thereof to him for his perusal; but altho' he was not so kind as to point out any of their Defects to the house yet he obliged The Assembly to Continue together until they were all ReEngrossed with broad Margins, &c, in Order (as he said) for affixing the Great Seal thereunto, yet after all this unnecessary Trouble & Expence and application of that Assembly to him, to put an end to that Session, he Ordered them to Adjourn themselves for a fortnight to no Purpose, and at their return, refused his Assent to many of the said Bills, So Re-Engrossed, which serves to Demonstrate the Disposition he had to Perplex the Affairs of the Colony

• That in the Year 1742 after the Council and Assembly had Spent Six Weeks in preparing and passing eight good and Necessary Bills, he Signed the Bill for Support of Government, and laid all the rest aside; and with a long Speech filled with Invectives and Charges against the Assembly Disolved them, and all this without any reason for Such Treatment.

That in 1743 Committees of both houses were appointed who met in a Free Conference of which the Chief Justice and Second Judge of the Supreme Court were apart, and Settled and agreed upon a Bill for Establishing a Table of Fees, which afterwards passed both Houses, and to which His Excellency with all Seeming Freedom gave his Assent, yet to the great Surprise of the good People of this Colony, he soon after wrote home to the Lords Commissioners for Trade and

Plantations, acquainting them, that the Fees as Established by that Bill, were so inconsiderable that no Persons of Character or Reputation would Care to Accept of Employments in the Colony; The Consequence whereof proved to be a Repeal of the said Bill, so that through his Means the Colony has remained to this day, without any Law for Taxing of Bills of Cost to the Grievous oppression of Great numbers of Poor People in this Colony.

That in the Year 1744, the Justices of the County of Hunterdon did proceed contrary to a known Law of this Province to Chuse a Commissioner of the Loan Office for the Said County, in the room of Joseph Peace Esq^r Deceased, which Illegal Proceedings being Complained of to the General Assembly, they took the Same into their Consideration, and thereupon Addressed the Said late Governor for the removal of those Justices for their Male Administration, or to Order such other Prosecutions against them as he in his Wisdom should See Meet, so that it might Effectually Deter others from acting so apparently Contrary to the Express letter of the Law: But altho' the Conduct of the said Justices was not only Repugnant to a Law which had been Confirmed by his Majesty, but it also had a Direct Tendency to lessen the Credit of the Paper Money, then passing Current in this Colony, yet notwithstanding, the said Governor was So far from regarding this or the Assembly's Address, that he became an Advocate for the said Justices Illegal proceedings, Seeming to be displeased with the Assembly for complaining of them, and in Gratification of his displeasure Continued the Justices and dissolved the Assembly, and Some time after Called another, being the third he had met within less than ten Months, as appears by their Journals

Thus did his Excellency exercise the Royal powers with him Intrusted to the great detriment of the Colony, by his frequent Calling, Proroguing and dissolving the Assemblies and often Keeping them together Sitting for a long time to no manner of Purpose. Thus was the Powers of Govern-

ment abused, and that of the people being represented in General Assembly, which was designed by our Most Gracious Sovereign to be the Means of Compleating the happiness of his Subjects in this Colony, and really is one of the Greatest temporal Blessings that a Free People can enjoy on earth, was by the misuse of it become a very great Grievance.

That after his Excellency had detained the Assembly together at Amboy in the Year 1745 near two Months, altho' he himself was very often a great distance from them Sometimes at Trenton and Sometimes at or near Brunswick, by which all Communication between him & them was So much Cut off that it was rendered almost Impracticable, except at times when he thought proper to come to Amboy and Prorogue them for a few days, or otherwise Chastise them, and after all the reasonable Proposals that the Assembly could think of, were made, this Session finished without having it's desired Effect.

That frequent and long Sittings, and no business of any Consequence being done, were then become so very Common and the Debts of the Colony thereby so highly Increased, that the Assembly easily foresaw the Necessities the Colony would Soon be reduced to without great Care.

And his Majesty being at that time engaged in War, with France and Spain, and this Colony having Cheerfully given Several thousand pounds in the West India and Cape Breton Expeditions, and [having] reason to believe they should Soon be called upon by his Majesty for further Assistance against his Enemies, & much talk of the French Sending a large Fleet to revenge upon these Colonies, the Indignity their Arms had Suffered in the loss of Cape Breton, and this being a defenceless Government, without any manner of Fortification and liable to be Attacked for near 300 Miles the Assembly would have been greatly wanting in their Duty to his Majesty, and his faithful Subjects in this Colony, if they had not endeavoured to keep the State of the Treasury in as good a Condition as Possible.

And time has Sufficiently Verified that these imaginations were but too well Grounded: For altho' kind Providence did not Permit the Fleet of our Aspiring Enemies to Attack us, yet this Colony were Called upon by his Majesty to Assist in the late intended Expedition against Canada, in which Expedition they have Actually expended above £20,000 Including what was lent the Crown for Arming and Cloathing the Forces Sent from hence.

These reasons and many more being Sufficiently weighed, the Assembly Proposed to the Governor, in the Year 1746, that they would willingly Support the Government, by giving his Excellency £1,000 for two Years immediately out of the Treasury, and also £1,000 out of the first Interest Money which should Arise by the New bills for making £40,000 Provided he would Sign the few Bills which were then Passed by both houses, ready for his Assent, as appears by their Message of May 7, 1746, and he at that time, was So far from having any objections to the Said Bills, that he returned the following Answer—

“So now it Plainly appears, that when they might have all the Acts they pretended to desire, and were Seemingly so fond of, and the forty thousand pound bill Passed with a Suspending Clause, they refuse to have them upon the Terms they have hitherto asked them. I will (as I have Assured them) Pass the Bills they Seem so fond of, on Condition they Join in Supporting the Government in as large and Ample a Manner as usual, and not otherwise. By this their Constituents may See, that they might have had the Forty thousand Pound they desired, if his Majesty would be pleased to approve of it.”

By which your Excellency may observe the Mistake of that Representation to the board of Trade, of the Salary's being withheld meerly on Account of his Adherence to his Duty, & obedience to the Directions of that Board, and Plainly See, That it was not any Objection he had to the £40,000 bill, that Actually being offered with a Suspending.

Clause, as all others of the kind offered by the Assembly of New Jersey to him had been, & which he said they might have had on the Terms there proposed.

From whence your Excellency will Observe that he refused to do the Duties of Government, except the Assembly would give him Such a Salary as he asked, and in his own Mode and way, which without resigning their Liberties they Could not do.

That from the foregoing remarks, with his refusing to do the Duties of Government, the house Conceive their Dissent from what his Excellency has recommended with respect to the said late Governor Morris will appear both Just and reasonable; but to put the Matter beyond Dispute, they beg leave further to Remark, that altho' Governor Morris in his life time did, and his Executors now do insist upon the Payment of what some are pleased to Term Arrears; Yet the house have his own opinion in a Similar Case to Justify their not allowing them. For during the time that Lord Cornbury was Governor of this Colony, many Irregularities having Crept into the Administration and the said Governor Morris being at that time one of the most leading Men in the house of Assembly, they thought Proper to withhold the said Lords Salary, for the two last Years of his being Governor; and notwithstanding great Endeavours were used to obtain it, yet the house do not find, that either he or his Executors were ever allowed one Farthing.

That the house hopes his Excellency will be Sufficiently Satisfied that nothing Can be reasonably demanded, on Account of the said late Governor Morris's Pretended Arrears, it being a Subject So universally disliked in this Colony, that there is none, except those who are immediately Concerned in point of Interest, or particularly Influenced by those who are, will Say one word in its Favour

That it is altogether unlikely any Assembly in this Colony will ever look upon that to be a Just Debt, or apply any Money for the discharge thereof and that they Cannot con-

oeive the further recommendation of it will be of any Advantage to the Said Executors,

THO' BARTOW Clk

At a Council held at Perth Amboy October 18th 1749.

Present

His Excellency the Governor

| | | |
|-----------------|--------------------------|--------------------|
| James Alexander | Peter Kemble | } Esq ^r |
| Edward Antill | Thomas Leonard | |
| Andrew Johnston | Rich ^d Salter | |

His Excellency laid before the House a Message he had rec^d from the House of Assembly in Answer to his application to them for the Arrearage of Salary due to the late Governor Morris and desired their advice whether any thing more could be done by him with any probability of Success and the House Considering the Same are of Opinion that no further Application will be likely to have the desired Effect at this time.

Minutes of Council in Assembly

September 28th 1749

Present

| | |
|-----------------------------------|--------------------|
| The hon ^{ble} James Hude | } Esq ^r |
| Andrew Johnston | |
| Peter Kemble | |
| Thomas Leonard | |

His Excellency came into Council and having by the Secretary commanded the Attendance of the house of Assembly they attended, when his Excellency was pleased to make the following Speech.

Gentlemen of the Council & of the General Assembly,

Since our last Meeting, I received the Kings Royal Proclamation of a General Peace, concluded by the blessing of

God, on His Majesty's Arms and Councils, upon which I heartily Congratulate you, hoping it will give his Majesty still greater weight among all the Princes of Europe and that We at this distance from the Throne shall reap happy fruits and Advantages from it, under His Majesty's most Auspicious and Benign Government.

Gentlemen of the General Assembly,

By your having Recourse to the Journals of the late Assembly and to those of your own, you will readily find how often I have urged what was, and still is of the Greatest importance to the Peace of this Province, which is the doing your Duty to the King and to His People, in Joining with the other Branches of the Legislature in such Measures as might be effectual for Suppressing the Great Numbers of Seditious Riotous Persons, who are endeavouring to Overturn the Kings Government, a fresh Instance of which they have lately given in breaking open the Kings Jail in the County of Essex, and delivering from thence two Persons¹ (who stood there Committed for High Treason) as you will see by the Papers I shall send you; and you know I Ordered the last Meeting of the Legislature purely to have your aid and Assistance in this very difficult affair: But instead thereof you were deaf to all I could say, and which I am afraid has proved an encouragement to this Set of Lawless People to Persist in their obstinacy and Wickedness

But as I have in Duty to the King and in tenderness to this People, faithfully represented to his Majesty the Present Deplorable State of this Province in this regard, and am daily expecting the Kings Especial orders about it, I shall say nothing more than that I heartily wish you may yet be wise before it be too late, and thereby prevent your being answerable for the Consequences of Your present misconduct.

I am really Sorry Gentlemen, to be obliged to press you to the necessary Supply of the Publick Treasury which has been in a manner Empty for a long time, to the injury of all

¹ Theophilus Burwell and Aaron Ball.—*N. J. Archives*, VII., 434.

the Officers of the Government who have loudly Complained of so great an injustice : as I have said formerly, money may be properly Called the Strength of Government, for how can the Laws be executed or the Kings Subjects protected in their properties while the Officers of Justice are wanting the provision made by Law, for the Support of themselves and of their Families.

Gentlemen of the Council and of the General Assembly,

As the Winter is approaching and Your Domestick Affairs may soon require your Care and attendance, I wish you may have a good agreement in what you may Judge Necessary to be done at this time, which will Naturally shorten the Sessions, and You may always depend on my Chearful Concurrence in every thing that may Promote his Majesty's honour and Interest and the happiness of this People.

J. BELCHER

Perth Amboy Septemb^r 28th 1749.

On Saturday the thirtieth September the General Assembly were Prorogued to Tuesday the third day of October 1749.

Tuesday October 3rd 1749.

The house met Present

| | | |
|--|-----------------|---------------------|
| The hon ^{ble} James Alexander | Andrew Johnston | } Esq ^{rs} |
| Robert H. Morris | | |
| James Hude | Peter Kemble | |

The house Continued till

Wednesday October 4th

The house met Present

| | | |
|--|-----------------|---------------------|
| The hon ^{ble} James Alexander | Andrew Johnston | } Esq ^{rs} |
| Rob ^t H. Morris | Peter Kemble | |
| James Hude | Richard Saltar | |

The house Continued till

Thursday October 5th

The House Met Present

| | | |
|--|-----------------|--------------------|
| The hon ^{ble} James Alexander | Andrew Johnston | } Esq ^r |
| Rob ^t Hunter Morris | Peter Kemble | |
| James Hude | Richard Saltar | |

The house Continued till

Friday October 6th 1749.

The house Mett, Present,

| | | |
|--|----------------|--------------------|
| The hon ^{ble} James Alexander | Peter Kemble | } Esq ^r |
| James Hude | | |
| Andrew Johnston | Richard Saltar | |

M^r Alexander acquainted the house, that M^r Smith and M^r Leaming from the house of assembly had delivered to him a Bill Entituled, An Act to enable the Legislature to Settle the Quotas of the several Counties in this Colony, in Order for Levying of Taxes from time to time as occasion may require for Support of Government and defraying the Contingent Charges thereof; together with an Order to the said two Members to carry the same to the Council for their Concurrence, will¹ bill and Order he had received from them, this house not sitting at the time and he delivered the same in at the Table.

The bill Entituled, an Act to Enable the Legislature to settle the Quotas &c was read the first time and Ordered a second reading.

The house Continued till,

¹ Which.

October 6th P. M.

The house Met Present

| | | |
|--|-----------------|--------------------|
| The hon ^{ble} James Alexander | Andrew Johnston | } Esq ^m |
| Rob ^t H Morris | | |
| Edward Antill | Peter Kemble | |
| James Hude | Richard Saltar | |

M^r Chief Justice Morris laid before this house Sundry letters from Fardinando Johns Paris² Esq^r to whose care the Representation of the Members of this house of December last to His Majesty was recommended, Signifying that the said Representation had been laid before His Majesty and that the same with the several Minutes of Council and Assembly and other Papers Supporting the Facts Alledged therein, were under the consideration of His Majesty's Ministers, in order to consider of the relief Adequate; but that great difficulties Occurred to His Majesty's Ministers in that Affair, for want of fuller information in Sundry matters, than he was Capable of giving.

And Chief Justice Morris acquainted this house, that if they thought any information he could give to His Majesty's Ministers would tend to the removing those difficulties and to the restoring the Peace of this Province, he was willing to take a Voyage to England with all Expedition for that purpose.

And then withdrew.

And this house taking the same Papers and Offer of Chief Justice Morris under Consideration, they came thereon to the following Resolutions

Resolved, That it's the unanimous opinion of this house, that the informations which M^r Chief Justice can give to His Majesty's Ministers concerning the State of this Province, may greatly tend, not only to the removing the said difficul-

² Ferdinand John Paris.

ties, but such others as may Occurr in their Considering that Matter.

Resolved, That an humble Address be presented to his Excellency the Governor of this house, Signifying to him the above Sentiments of this house, and humbly requesting that he would be pleased to Grant to M^r Chief Justice Morris leave to be absent from this Province for such time as his Excellency shall think reasonable for the Purpose aforesaid,

Ordered, That, M^r Johnston, M^r Hude and M^r Kemble or any two of them be a Committee to prepare a Draft of such address and lay it before this House tomorrow morning.

The house Continued till

Saturday, October 7th 1749

The house Met Present

| | | |
|--|-----------------|--------------------|
| The hon ^{ble} James Alexander | Andrew Johnston | } Esq ^m |
| Edward Antill | Peter Kemble | |
| James Hude | Richard Saltar | |

Andrew Johnston Esq^r Chairman of the Committee to whom was Yesterday Referred the preparing y^e Draft of an Address, laid a Draft thereof before this house, which being twice read, was approved of, and Ordered to be Engrossed.

At another Sitting of the same day.

Present as above

The Engrossed Address to His Excellency was read and approved of, which is in the following words.

To His Excellency Jonathan Belcher Esq^r Captain General and Governor in Chief of His Majesty's Province of New Jersey and Territories thereon Depending in America, Chancellor and Vice Admiral in the same.

The Humble Address, of his Majesty's Council for the Province of New Jersey.

We beg leave to Acquaint your Excellency, that the Deploable Circumstances of this Province by reason of the many late Disturbances, Riots and Treasons Committed therein having been laid before his Majesty, We have received information that they are now under the Consideration of His Majesty's Ministers, in order for advising his Majesty what relief is Adequate; and that many Difficulties arise, which Cannot easily be removed, but by a person well acquainted with the past disturbances, and other the Circumstances of this Province.

That from our long acquaintance with the Person and Character of Chief Justice Morris, and from our long Experience of his ability and Capacity and the perfect knowledge he has obtained by his Stations of Chief Justice and Councillor in this Province, which he has long worthily Executed: We think of no man so fit as him to assist his Majesty's Ministers, by the informations he is able to give in those difficulties that have Occurred, and that may Occurr to them in that weighty affair, and in falling on such Measures, as that the Innocent People of this Province may not become Sufferers for the Faults of the Guilty.

That M^r Chief Justice Morris has consented to take a Voyage to England with the utmost Expedition, for the Purpose aforesaid.

That as there are now eleven other Councillors within this Province and two other Judges of the Supreme Court, the want of his Assistance in those Stations for the Short time of his intended Absence, cannot be so great a loss to this Province, as to ballance the benefit that may Redound to it from the informations he can give to his Majesty's Ministers in the Matters aforesaid, especially at a time when it's impossible to put the Laws in Execution, and no Probability of their Restoration, but by his Majesty's effectual interposition, for that Purpose.

Wherefore we beg leave humbly to address your Excellency that you would be pleased to Grant him leave to be Absent for the purposes aforesaid, for such time as your Excellency shall think is reasonable.

Perth Amboy October 7th 1749

Ordered, That the Speaker do sign the same

Ordered, That M^r Saltar and M^r Kemble do wait upon His Excellency with a Copy of the said Address, to know when his Excellency will be pleased to receive the said address of this house.

M^r Kemble and M^r Saltar being returned, reported that they had delivered the Copy of the said Address with the Message of this house to his Excellency, who said he would send an Answer by the Secretary.

The bill Entituled, An Act, to enable the Legislature to settle the Quotas of the several Counties in this Colony in Order for Levying of Taxes from time to time as occasion may require, for Support of Government and defraying the Contingent Charges thereof; was read the Second time and Committed to the Gentlemen of the Council or any three of them.

The house Continued till

Monday October 9th 1749.

The house Mett Present

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| The hon ^{ble} James Alexander | } Esq ^{rs} |
| Rob ^t H. Morris | |
| Andrew Johnston | |

M^r Hancock and M^r Fisher from the house of Assembly presented for the Concurrence of this house a Bill Entituled, An Act for the support of the Government of his Majesty's Colony of New Jersey for one year, to Commence the tenth day of August 1749, and to end the tenth day of August

1750 and to discharge the Publick Debts and the Arrearages and Contingent Charges thereof.

Which Bill was read the first time and Ordered a Second reading.

The house Continued till

Tuesday October 10th 1749.

The house met Present

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|--|-----------------|--------------------|
| The hon ^{ble} James Alexander | Andrew Johnston | } Esq ^r |
| Rob ^t H. Morris | Peter Kemble | |

A Petition was presented to this house, Signed by Theophilus Burwell and Aaron Ball Dated October 6th 1749 Setting forth, that they had been Committed for Treason to the Goal of the County of Essex, and that they had Escaped from thence, *through the Commiserating Aid of others*, that they had on the Day of the Date Submitted themselves to the same Goal and were ready to take their Tryalls and beg this house that they would intercede with his Excellency to Order their immediate Tryal, Together with a Certificate from John Styles the Goaler of the County of Essex, that they had delivered themselves up on the said Sixth day of October and remained in Custody on the day of the Date, which is the 9th day of 8^{br} 1749.

Whereupon Joseph Camp one of the Representatives in the General Assembly for the said County of Essex, who delivered the said Petition and Certificate to the door keeper of this house was called in, and being asked from whom he received the said Petition? he said from the Petitioners, and being asked whether the Petitioners were in Goal when he received the said Petition? he said after much evasion, that he believed they were not, but that they were on the Road going there.

Which Petition and Certificate was read the first time and Ordered a second reading.

The bill Entitled, an act for the Support of the Government &c, was read the second time and Committed to the Gentlemen of the Council, or any three of them.

The house Continued till,

Three O'Clock, P. M.

The house Met Present, as before with,

M^r Antill and M^r Saltar.

M^r Kemble from the Committee to whom the Bill Entitled, An Act to Enable the Legislature to settle the Quotas &c was referred reported that the Committee had gone through the same and had made one Amendment thereto, which he was ready to report, when the house will please to receive the same.

Ordered,

That the report be made immediately.

Whereupon he read the Amendment in it's Place, and it is as follows.

Whereas by the Royal Instructions to His Excellency the Governor he is directed in these words.

Provided, Always that you do not Consent to any Act or Acts to lay any Tax upon unprofitable Lands.

It is hereby declared, that nothing in this Act is meant or intended to break in upon the said Instruction, or to Warrant the Assessors to put any unprofitable Lands into the said List or Account of things to be Taxed.

Ordered,

That the above Amendment be read a second time. And the Amendment being read a second time, was agreed to by the house and Ordered to be Engrossed.

The house Continued till,

Wednesday October 11th 1749

The house Met, Present

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| The hon ^{ble} James Alexander | Peter Kemble | } Esq ^r |
| Rob ^t H Morris | | |
| Edward Antill | Thomas Leonard | |
| Andrew Johnston | Richard Saltar | |

The Bill Entituled, An Act to Enable the Legislature to settle the Quotas of the several Counties in this Colony & with the Engrossed Amendment, being Read a third time.

And the Question being put.

Resolved,

That the said Bill as amended do Pass.

Ordered,

That the Speaker do sign the same.

Ordered,

That M^r Kemble do Carry the said bill with the Amendment made thereto to the house of Assembly, and desire the Concurrence of that house to said Amendment.

M^r Kemble reported, that he had obeyed the above Order.

A Message from the house of Assembly by M^r Spicer and M^r Wetherill.

"Ordered,

"That M^r Spicer and M^r Wetherill do Carry the bill to
 "Enable the Legislature to settle the Quotas of the several
 "Counties & with the Amendments back to the Council, and
 "Acquaint them that this house have Disagreed to said
 "Amendment and rejected the same and Adhere to the bill."

"THO^s BARTOW Clk

This house taking into consideration the above Message of the house of Assembly.

And the Question being put, whether the house adhere to their Amendment.

It was carried in the Affirmative.

Ordered,

That M^r Kemble do carry the said Bill to the house of Assembly and Acquaint them that this house adhere to their Amendment.

M^r Kemble reported that he had obeyed the above order.

M^r Secretary informed the house his Excellency was ready to receive this house.

M^r Leonard having Perused the Address approved of the same.

The Council having Attended His Excellency with their Address, the Speaker reported, that they had waited on His Excellency with the said Address and delivered the same to him, who observing the Date to be the 7th Instant Desired that it might be Dated the day of the delivery, and the Council seeing no Material Objection thereto, agreed it should be altered, and it was altered accordingly and Re-delivered to His Excellency.

Whereupon he said, after due consideration of the several Parts of this Address, I will send you an Answer.

The Secretary informed this house, that he had some Days since laid before the house of Assembly, the papers referred to in his Excellencys Speech.

Ordered,

That the Secretary do wait on the house of Assembly and request the said Papers for the consideration of this house.

The house Continued till,

Three o'Clock afternoon.

The house met, Present,

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| The hon ^{ble} James Alexander | Peter Kemble | } Esq ^r |
| Rob ^t H Morris | | |
| Edward Antill | Thomas Leonard | |
| And ^m Johnston | Richard Saltar | |

M^r Morris intending to go out of Town this day, desired his Sentiments concerning the last Clause of the Support Bill might be entered and they are as follow.

The sole and only right his Majesty's Council have to pass Laws in this Province is delagated to them by the Royal Commission under the Great Seal of Great Britain, So far therefore as they act agreeable to the Powers given, are their Actions good and no farther—But whenever they go beyond the powers given or Act contrary to the true intent and meaning of the said Commission their Actions are void and of no Force.

In and by the Royal Commission his Majesty Declares his will and pleasure to be, that all Publick Money shall be disposed of by warrants Drawn by the Governor, by and with the Advice and Consent of the Council, *and not otherwise.*

By the bill for Support of Government now before us it is enacted that the Treasurers pay several Sums of Money upon Certificates to Be Signed by some of the Members of the house of Assembly—which seems to me directly repugnant to the Terms of the said Royal Commission, and should this house pass the said support Bill in the manner it now stands—I humbly Conceive it will be in them an Assuming a Power not warranted by the Kings Commission; it will be taking upon them to Lodge the Powers of issuing the publick Money in such hands as his Majesty never intended should be trusted therewith—and will be acting in direct opposition to His Majesty's will and Pleasure Signified to us by the royal Commission aforesaid, and to which His Majesty has expressly required and Comanded us to pay obedience.

ROB^t H. MORRIS.

The house Continued till,

Thursday October 12th 1749

The house Met. Present,

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|--|----------------|--------------------|
| The hon ^{ble} James Alexander | Peter Kemble | } Esq ^r |
| Edward Antill | Thomas Leonard | |
| Andrew Johnston | Richard Saltar | |

Richard Saltar Esq^r Chairman of the Committee to which was Referred the bill for Support of Government made report to this house, that they found the Preamble of the said Bill in these words

Whereas the Act for Supporting the Government of this his Majesty's Colony has been for some time Expired, And whereas the Interest money arising from the Loan of the Bills of Credit Emittid in this Colony was designed by the Act that Made them Current to be thereafter disposed of and for the Support of Government in Such sort manner and Form as the Governor Council and General Assembly should direct: We the house of Representatives being willing and desirous to give all possible demonstration of our Duty Loyalty and Gratitude by applying so much of said Interest Money and other Money which may come into the Treasury in such Manner as is herein after directed for the Support of this his Majesty's Government for the aforesaid one year, do Pray that it may be Enacted.

And that they found a part of the first Clause of the said Bill in these words.

There shall be and there is hereby Chearfully and Unanimously given unto his present Majesty his heirs and Successors the Sum of fourteen hundred pounds, Money according to the Proclamation of the late Queen Anne, to be paid out of the Interest Money, that at any time heretofore hath, now doth, or at any time hereafter may arise by the Loan of the bills of Credit which now are, or hereafter may be Current in this Colony, and out of such other Money as is now, or

may be paid into the Treasury for the Support of the Government by any Laws of this Colony.

And further reported, that the said Committee were of opinion, that the said words did Imply these Facts, *Vis*^t

1st That some Interest Money hath Arisen, or hereafter May arise by the Loan of the bills of Credit by some Act, or Acts in being, which is not disposed of, and may now be applied by this Act.

2^d That some other Money now is or may be Paid into the Treasury by some Act or Acts in being which is not Disposed of and may now be

Applied by this Act.

And further reported, that they could not Recollect any Act or Acts now in being by which any Money is arisen or hereafter may arise by the Loan of the bills of Credit or any otherwise, which has not Already by the same or other Acts been disposed of and applied, and therefore prayed the direction of this house in that matter, which report being maturely considered by this house is approved of.

Ordered,

That M^r Salter do deliver to the house of Assembly a Copy of the said report and approbation of this house and request that they would be pleased to Point out to this house the Act or Acts now in being, by which any Money is arisen or hereafter may arise by the Loan of the bills of Credit or any otherwise which has not already by the same or other Acts been disposed of and applied, that this house may be Enabled with truth and Veracity to Assent to and Pass as their Act the parts of the said Bill which imply the two preceeding Facts.

Whereas this house is informed that in August last a number of Men riotously Assembled at the Plantations of Casparus Prior¹ in Bergen did Riotously break down pull up and destroy Several of his Fences, and that the said Casparus having set his fences up again, a Number of Men, about thirty or forty came and Riotously again broke down, pull'd up and

¹ N. J. Archives, VII., 429.

destroyed his Fences and beat and abused the Sons of the said Casparus, and that the Deputy of the Attorney General attended the Grand Jury of the next Court of Quarter Sessions for the County of Bergen with a Bill of Indictment and the Witnesses to Prove it; Yet the Grand Jury refused to find any Bill.

Wherefore it is ordered, that the Serjeant at Arms attending this house, do with all speed repair to the house of the said Casparus Prior and to require him and his sons to appear before this house forthwith, in order to give Evidence in behalf of our Sovereign Lord the King.

Whereas, this house is informed, that some Months ago the Petitioners Theophilus Burwell and Aaron Ball (whose Petition was presented to this house on tuesday last,) did with many other Rioters make application to the Justices and Freeholders of the County of Essex to meet in Order to Petition his Excellency the Governor for Granting a Commission of Oyer and Terminer and General Goal Delivery for the Tryal of the said Criminals, and that the Justices and Freeholders did meet for that Purpose and Consented to Petition His Excellency Provided those Criminals would themselves sign a Petition to the same Purpose, Submitting and promising Submission to the Jurisdiction of such Court and to such Judgements as should be given by it.

That the said Justices and Freeholders did draw or Procure such Petition to be drawn for those Criminals and recommended it to them to Sign, and Promised to meet again on one days warning when it was Signed, but they all unanimously refused to Sign that Petition or any Petition to that purpose, and that in a few days afterwards, the goal of the County of Essex at Newark was broke open by persons in Disguise and the said two Petitioners were rescued by them, and that one Mansfield Hunt a Prisoner for Debt in the said Goal either knowing or pretending to know some of the Persons Concerned in the said Riott and Rescue, the Rioters soon after by a Collection raised Money to Pay his Debt and

did pay it and got him out of Prison in order to prevent his giving Evidence against them: And this house is further informed that the Persons following can give evidence of the truth of the several Matters aforesaid.

Ordered, that the Serjeant at Arms attending this house do with all Speed require John Rolfe Esq^r of Raway and Eliphalet Johnston and Daniel Pierson Esqⁿ of Newark, Joseph Day of Newark, John Chandler and Elijah Davis of Elizabeth Town, John Johnson Sen^r John Styles and Mansfield Hunt and every of them to appear before this house forthwith, in Order to give evidence in behalf of our Sovereign Lord the King.

The house Continued till,

Three O'Clock P. M.

The house met, Present.

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| The hon ^{ble} James Alexander | } | Esq ⁿ |
| Andrew Johnston | | |
| Thomas Leonard | | |
| Richard Saltar | | |

His Excellency came into Council and delivered his Answer to the Councils Address as follows.

Gentlemen of the Council,

I have read over the Address you brought me Yesterday, and upon Considering it I am to observe to you, that M^r Chief Justice Morris made application many Months ago, to one of his Majesty's Principal Secretaries of State for leave to go to Great Britain, I therefore think it necessary before I can make a Particular answer to Your Address, that M^r Chief Justice lays his said Application with the Answer thereto before me and if he wants my leave of absence on a Voyage to Great Britain, as I am the Kings Governor and

Commander in Chief of this Province I think it his Duty to make his request to me on that head under his own hand.

J. BELCHER.

Perth Amboy Oct^r 12th 1749.

After which His Excellency laid before the house his Majesty's Disallowance of the Fee bill, Viz^t

At the Court at Kensington the 28th day of June 1749.

" Present

" The Kings Most Excellent Majesty.

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| "Arch Bishop of Canterbury | Earl of Sandwich |
| "Lord Chancellor | Lord Delawar |
| "Lord President | Lord Sandys |
| "Lord Privy Seal | M ^r Chancellor of the Exchequer |
| "Lord Chamberlain | |
| "Duke of Bedford | Lord Chief Justice Willes |
| "Duke of Newcastle | Henry Fox Esq ^r |
| "Earl of Pembroke | Henry Legge Esq ^r |

" Whereas, by Commission under the Great Seal of Great Britain the Governor Council and Assembly of his Majesty's Province of New Jersey are authorized and impowered to make Constitue and Ordain Laws Statutes and Ordinances for the Publick Peace Welfare and Good Government of the said Province: Which Laws Statutes and Ordinances are to be as near as Conveniently may be agreeable to the Laws and Statutes of this Kingdom and are to be transmitted to his Majesty for his Royal approbation or disallowance—And whereas in Pursuance of the said powers An Act was passed in the said Province in December 1743— which hath been Transmitted Entituled as follows, Viz^t

" An Act for Ascertaining the Fees to be taken by the several officers in the Colony of New Jersey."

" Which Act together with a Representation from the Lords

"Commissioners for trade and Plantations, proposing the Re-
 "peal thereof having been Referred to the consideration of
 "a Committee of the Lords of his Majesty's most honourable
 "Privy Council for Plantation Affairs, the said Lords of the
 "Committee did this day report their opinion to His Majesty,
 "that the said Act ought to be Repealed.—His Majesty taking
 "the same into consideration, was pleased with the Advice of
 "his Privy Council to Declare his disallowance of the said
 "Act, and Pursuant to his Majesty's Royal pleasure there-
 "upon expressed, the said Act is hereby repealed Declared
 "Void and of none Effect; whereof the Governor, or Com-
 "mander in Chief of his Majesty's Province of New Jersey
 "for the time being and all others whom it may concern are
 "to take Notice and Govern themselves accordingly.

W. SHARPE.

And also the following Copies of the royal Instructions.

"N^o 10.—You are likewise to signify our pleasure unto
 "the Members of our said Council, that if any of them
 "shall hereafter Absent themselves from our said Province
 "and continue Absent above the Space of twelve Months
 "together without leave from you, or from our Governor or
 "Commander in Chief of the said Province for the time
 "being first obtained under your or his hand and Seal, or
 "shall remain Absent for the Space of two years Successively
 "without our leave given them under our Royal Sign Manual,
 "their place or places in our said Council shall immediately
 "thereupon become Void, and that we will forthwith appoint
 "others in their Stead.

"N^o 11. And whereas we are sensible that effectual care
 "ought to be taken to oblige the Members of our Council to
 "be due attendance necessary in order to prevent the many
 "inconveniences that may happen for want of a Quorum of
 "the Council to transact business as occasion may require.
 "It is our Will and pleasure that if any of the Members of
 "our said Council residing in the Province shall hereafter
 "voluntarily Absent themselves from the Council board when

"duly Summoned, without a Just and Lawful Cause and
 "shall Persist therein after Admonition, You Suspend the
 "said Councillors so Absenting themselves till our further
 "pleasure be known, giving us timely notice thereof. And
 "we hereby Will and require you, that this our pleasure be
 "signified to the several Members of our Council aforesaid,
 "and that it be Entered in the Council books of our said
 "Province as a standing Rule.

"N^o 40¹ And whereas frequent complaints have been
 "made to us of great delays and undue proceedings in the
 "Courts of Justice in several of our Plantations whereby
 "many of our Subjects have very much Suffered, and it being
 "of the greatest importance to our Service and to the welfare
 "of our Plantations that Justice be every where speedily and
 "Duly administered and that all disorders Delays and undue
 "Practices in the Administration thereof be effectually pre-
 "vented, We do particularly require You to take especial
 "care that in all Courts Where you are Authorized to pre-
 "side Justice be impartially Administered, And that in all
 "other Courts established within our said Province all Judges
 "and other Persons therein concerned do likewise Perform
 "their several Duties, without any Delay or Partiality.

"The foregoing are true Copies of the tenth, eleventh and
 "fortieth² Instructions Extracted from the body of His
 "majesty's Instructions to Governor Belcher for his Conduct
 "in the Government of this Province.

CHA: READ, Secry

"Perth Amboy Oct^r 12: 1749

The house Continued till,

Friday, October 13th 1749.

The house Mett. Present

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| The hon ^{ble} Andrew Johnston | Thomas Leonard | } Esq ^m |
| Peter Kemble | Richard Saltar | |

¹ 41.

Forty-first. See N. J. Archives, VI., 18, 19, 32.

M^r Saltar reported that he had obeyed the order of the house of Yesterday.

A Message from the house of Assembly by M^r Leaming and M^r James Smith in the following words.

“October 13th 1749

“The house having duly Considered the Message from the Council by M^r Saltar.

“Ordered,

“That M^r Leaming and M^r James Smith do wait on the Council, and Acquaint them that altho’ the great difficulties the Assembly labour under by the Councils having so often refused to pass any one of the bills to enable the Legislature to settle the Quotas of the several Counties & sent up by the Assemblies of this Colony to that house for Concurrence, yet their Duty and Loyalty to the best of Kings and their earnest desire to support his Government over them in the best manner they were able, induced them to pass the bill for Support of Government referred to in the Councils Message, therein making full Provision for the Governor and the several Officers of the Government and subjecting all Money in their Power to the payment thereof, with hopes at the time of passing that Bill, that the Council would have assented to a Bill Entituled, An Act to enable the Legislature to settle the Quotas of the several Counties in this Colony, in order for levying of Taxes from time to time as occasion may require for Support of Government & Defraying the Contingent Charges thereof, sent by this house to that house for Concurrence, whereby the Legislature would have been enabled in an Equitable way to have raised a Sufficient sum of money, by a Tax on the People to have Supplied the Treasury, so that in a few months time they would have been able to have discharged the several Sumas Granted by this Bill and the Arrearages due to the Officers of the Government by some other bills of the like kind; this (the house is of Opinion) would have answered the whole that is proposed by this Bill, Suppos-

"ing there was no Money in the Treasury, nor any likely to
 "come into it, by Virtue of Laws now in being, which we
 "don't know to be the Case, neither that there is any thing
 "contained in this bill inconsistent with Veracity and truth,
 "and therefore this house think themselves under no Nec-
 "sity of Pointing out the Acts they mention."

THO^r BARTOW Clk

The house Continued till,

Three O'Clock P. M :

The house met Present

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|--|----------------|--------------------|
| The hon ^{ble} James Alexander | Peter Kemble | } Esq ^r |
| Edward Antill | Thomas Leonard | |
| Andrew Johnston | Richard Saltar | |

M^r Secretary pursuant to the Order of the Eleventh In-
 stant, laid before this house the Papers mentioned in his Ex-
 cellency's speech, which he received back from the house of
 assembly, Viz^t

A Letter from William Chetwood Esq^r Sheriff of Essex
 County to his Excellency Dated the 28th of July 1749,
 acquainting his Excellency that Theophilus Burwell and
 Aaron Ball two Prisoners Committed to the Goal of Essex
 for Treason, were rescued on the Night of Saturday the 15th
 of July by Persons unknown, Violently breaking open the
 said Goal, as by the Affidavit of Mansfield Hunt inclosed in the
 said letter might appear.

Also the Affidavit of Mansfield Hunt, taken before Eli-
 phalet Johnson the 17th of July 1749, by which the said Hunt
 deposes that on the Saturday afternoon the said Burwell told
 him that they should be home before Morning, that he lay
 on his face till after the door was broke open, and they Put-
 ting it up again, he got up and looked out of the door and
 saw Sundry Persons, and amongst them one Obadiah Brewin¹

¹ Bruen.

to the best of his knowledge, that on Saturday night then passed between twelve and One the Goal was broke open and the said Burwell and Ball Escaped and the deponant was a prisoner in the Goal at same time.

The house continued till,

Saturday October 14th 1749.

The house met. Present,

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| The hon ^{ble} James Alexander | Peter Kemble | } Esq ^r |
| Edward Antill | Thomas Leonard | |
| Andrew Johnston | Richard Saltar | |

His Excellency came into Council, and having by the Secretary commanded the Attendance of the house of assembly, they attended and Samuell Nevill Esq^r their Speaker delivered the following Address.

“To His Excellency Jonathan Belcher Esq^r Captain General and Governor in Chief in and over his Majesty’s Province of New Jersey and Territories thereon depending in America Chancellor and Vice Admiral in the same.

“The humble Address of the Representatives of the Colony of New Jersey, in General Assembly Convened.

“May it Please your Excellency,

“We his Majesty’s Most dutiful and Loyal Subjects, the Representatives of the Colony of New Jersey beg leave to return your Excellency our thanks for Your Congratulation upon the General Peace, concluded by the blessing of God, on his Majesty’s Councils and Arms; and on our part, We Congratulate your Excellency upon so happy an event, hoping it will add weight to his Majesty’s influence among all the Princes of Europe, and that we, at this remote distance from the Throne shall reap happy Fruits and advantages from it under his Majesty’s most auspicious and Benign Government.

"By having recourse to the Journals of the late and
 "present Assembly we find, that in a Session at Burlington,
 "which commenced the 20th August 1747 soon after your
 "Excellency's arrival, and continued by adjournment until
 "the 18th of February ensuing, in Consequence of what you
 "recommended that Session, a Committee was appointed by
 "the then house of assembly who applied to his Majesty's
 "Council, desiring that they would also appoint a Committee
 "to Join the Committee of the assembly, to consider in a
 "free Conference, upon ways and means for Suppressing the
 "Riotts and disorders of the Colony: In Consequence
 "thereof, a Committee of the Council was appointed to Join
 "the Committee of the Assembly for that purpose; that
 "those Committees met, and from time to time duly deliberated upon the Subject Matter of the said Conference,
 "until they agreed upon a report to be made to their respective houses touching the premises, where the same was
 "further considered; and in Consequence thereof, Passed
 "Several Bills for Suppressing of riotous Proceedings, which
 "were Assented to by your Excellency, and you was pleased
 "at the same time to send down to both houses, an act, Entituled, an act to Pardon the persons Guilty of the Insurrections, Riots and Disorders, raised and Committed in this
 "province, which was thankfully accepted by them. These
 "were the Steps then taken for bringing those wild confusions
 "to an end, with which Your Excellency Concurred, and was
 "pleased in your Speech at the close of that Session, to intimate Your Satisfaction therewith.

"That in a Session commenced at Burlington, October 21,
 "1748 and ended at Perth Amboy December 16, ensuing
 "Your Excellency further recommended the consideration of
 "the unhappy Situation of the Colony, respecting the Rioters,
 "to which the Assembly in Substance replied, that the Laws
 "then in being, in their opinion, ought to be put more fully
 "in Execution; and if they then proved insufficient, their
 "particular defects might be pointed out at the next meeting

“of Assembly ; that they might be able to do what might be
“further necessary to be done on that occasion ; at the same
“time the Assembly said what might have been Sufficient to
“discountenance the madness of those audacious Rioters ;
“Since then to this time no Defects in the Laws have been
“pointed out to the Assembly.

“That Your Excellency in Your Speech made to both
“houses at Burlington, in a Session which Commenced Feb-
“ruary 20, 1748-9 recommended to our consideration what
“further Laws might be necessary for Curbing the Insolence
“of those people ; that in Pursuance of this, the Assembly
“took the matter under Consideration and after spending
“some weeks in deliberating on what might be proper to be
“done on the occasion, they Concluded that Lenitive Meas-
“ures might be most likely to prove successful, not only as
“they frequently have every¹ Prevalent influence upon the
“minds of Men, but also because two Petitions were then
“preferred on behalf of those Rioters, the one to your Excel-
“lency, the other to the Assembly, setting forth in Substance,
“an acknowledgement of their misconduct, praying forgive-
“ness for the same, and appearing inclinable to return to
“their Duty ; and by their Substitutes made Sundry pro-
“posals to James Alexander and Robert Hunter Morris
“Esq^r their Antagonists for coming to Tryal under the Con-
“tested Lands which had in great Measure occasioned those
“disorders ; and altho’ those Gentlemen did not at that time
“Comply with those proposals, yet it was hoped they would :
“Since which We find by the Records of the Supreme Court
“That Francis Spier, one of the People in possession of the
“Lands claimed by the abovesaid Gentlemen, hath had an
“Attorney and Council appointed him by that Court in Order
“for a legal tryal ; that in consideration of what has been
“above Advanced, the Assembly were Induced to apply to
“Your Excellency to Know Your pleasure concerning ex-
“tending his Majesty’s Gracious Pardon to those Rioters, so
“far far as by his Royal Commission You were impowered

¹ A very.

"to do; to which You was pleased to reply, 'that You would
 "do all in Your Power to restore the Peace of the Colony in
 "joining with the other Branches of the Legislature, in such
 "Measures as they should think proper for that purpose,'
 "which kind reply induced the house to appoint a Committee
 "to join a Committee of the Council, in a free Conference
 "upon that important Subject; and on the assembly's appli-
 "cation to the Council, a Committee of the Council was also
 "appointed, and those Committees Met and entered Upon the
 "Subject of their meeting, when the Committee of the As-
 "sembly found to their surprize, the Committee of the Coun-
 "cil were only impowered to receive proposals from the
 "Committee of the assembly upon the said Subject; whereby
 "the freedom of the Conference was greatly obstructed, and
 "predicted to them the improbability of any Success from
 "that Conference: However, that nothing might be wanting
 "on the part of the Committee of the Assembly to render
 "the said Conference useful, they made a proposal touching
 "the premises which, in their opinion, would Contribute
 "towards restoring the Peace of the Colony; which not being
 "agreed to by the Committee of the Council, nor by their
 "house, the said Conference did not produce the desired
 "Effect.

"Having Premised these things, We cannot but be hum-
 "bly of the opinion, that both the late and present Assembly
 "have, with Assiduity discharged their Duty, in using what
 "they Judged the most likely ways and means for the restor-
 "ing the Peace and quiet of the Colony; and that neither
 "of those Assemblies can justly be Chargeable with being
 "deaf to what Your Excellency has from time to time recom-
 "mended on that head. If those assemblies have differed
 "from Your Excellency and Council in their opinion touch-
 "ing the measures necessary for restoring the Peace of the
 "Colony, and have Conducted themselves agreeably there-
 "unto, this We presume don't Indicate any Breach of Duty
 "in them; but on the contrary, serves to Discover that they

“have Acted by their own Judgment, which as a Branch of
“the Legislature they have a Right to do, without being
“accountable To the other Branches for the same, and if
“their Measures have been more Mild than what some Gen-
“tlemen would Prescribe, these Audacious Villains who dis-
“turb the Publick Peace ought not to take any encourage-
“ment from thence to persevere in their Destestable practices;
“but on the Contrary, in Duty to the King, in regard to good
“Government and the welfare of the Colony, they ought to
“return to their Duty and become peaceable Subjects; and
“all those who can by their persuasions and Influence con-
“tribute towards this desirable end would do well to Promote
“it, and this we shall each of us use our utmost Endeavours
“to Advance and have some reason to expect will be effected.

“We have lately received a Petition nearly in Substance
“the same with one we are informed, hath been presented to
“Your Excellency and the Gentlemen of his Majesty’s
“Council, from the two Persons mentioned in Your Excel-
“lency’s Speech, to have been Rescued from the Kings Goal
“for the County of Essex, which Petition sets forth, that
“after repeated application of the said Petitioners for a Tryal
“without Success, and their long Confinement being preju-
“dicial to them and their families, they the said Petitioners
“were induced unadvisedly to depart the Goal by the Com-
“miserating aid of others: But on further consideration they
“the said Petitioners were convinced of the illegality of their
“Proceedings, and thereupon have Submitted themselves to
“their Confinement, praying the house to intercede with
“Your Excellency for their immediate Tryal. That they
“have Submitted to confinement appears confirmed by a
“Certificate under the hand of John Style, keeper of the
“Goal aforesaid.

“If Your Excellency has represented to his Majesty the
“Measures taken by the late and present Assembly for bring-
“ing this Colony into a State of Tranquility, as well as the
“present Deplorable State thereof, we from thence conceive
“our Gracious Sovereign will not impute any misconduct to

"either of those assemblies: However as we are at present
 "unacquainted with what Your Excellency has represented,
 "as also what may have been represented on this head by the
 "Gentlemen of his Majesty's Council, We depend on his
 "Majesty's known Justice and Goodness to hear what the
 "assembly of New Jersey have to say in Defence of their
 "Conduct, before any thing be determined thereon.

"Had the Gentlemen of his Majesty's Council assented to
 "any one of three Bills the Assemblies in the several Sessions
 "preceeding the present, for Enabling the Legislature to
 "Settle the Quotas of the Respective Counties in this Colony,
 "sent them for Concurrence, the Treasury might have been
 "Supplied before this time, or if they would have given their
 "assent to a Bill for that purpose sent them by this house for
 "Concurrence a few days past, we on our part would have
 "made further Provision for Supplying the Treasury with
 "all convenient dispatch; and still are willing to do it, as
 "soon as We can have it done in an equitable manner; But
 "as they still refuse their Assent to that necessary Bill, the
 "officers of the Government must ascribe the Injustice done
 "them, in being kept out of their Dues, to the Council, and
 "not to the assembly, who have Heretofore, as at this time,
 "provided for their respective Salaries and Sums of Money
 "due from the Colony.

"We acknowledge what Your Excellency is pleased to
 "say of a good agreement amongst ourselves and its tendency,
 "and on our part shall endeavour to promote it, not only
 "because the Winter Season is approaching and our private
 "concerns will require our attendance, but because a Speedy
 "dispatch of the Publick business will ease the heavy bur-
 "then of Expense that attends long sittings; and We thank
 "Your Excellency for the offer You make of Your Concur-
 "rence with what we shall judge Necessary to promote the
 "honour of his Majesty and the welfare of his Loyal Subjects
 "in this Colony committed to Your Care."

By Order of the House,

SAMUEL NEVILL, Speaker."

Several of the Members being of the People called
 Quakers agree to the Matter and Substance of this
 Address with their usual exception to the Stile. }

The House Continued till,

Monday, October 16th 1749.

The house mett. Present.

| | | |
|--|----------------|--------------------|
| The hon ^{ble} James Alexander | Thomas Leonard | } Esq ^r |
| Edward Antill | | |
| Andrew Johnston | Richard Saltar | |

This house taking into consideration the Message of the Assembly of the 13th do observe, that that house does not deny but that the two Facts pointed out by the Message of this house of the 12th are implied by the words of the Support Bill there set forth ; and observe that the house of Assembly have not pointed to any act or acts now in being to enable this house with truth and Veracity to assent to and pass as their Act the parts of the said Bill which imploy those Facts, and are well assured that the house of Assembly cannot point to any such because none such are in being. And further observe, that the house of Assembly's, *not knowing it to be the Case, that there was no money in the Treasury nor any likely to come into it by Virtue of Laws now in being*, is far from being a reason sufficient for our Asserting the said two Facts, by our Assent thereto ; thinking it should be our knowledge of Facts that should induce us to Assert them, and not *the not knowing but that they may be true*. We do further observe that if the Quota Bill had been passed by the whole Legislature and it had Enacted, that money should be raised by Virtue of it, Yet that would have been no Justification to this house to have asserted any Part of the first of the said two Facts, nor would that have Justified our Asserting the first part of the second Fact ; but as no Money whatso-

ever is Enacted to be raised by the Quota Bill, far less would it be a Justification to Assert the said Facts. This house doth further observe that the house of assembly could have no just hopes at the passing the said Support bill, that this house should have assented to the Quota Bill in the form sent up, as by the Message is alledged, seeing they well know that this house Conceived it in that form, to be repugnant to one of his Majesty's Royal Instructions, and that would the house of Assembly have removed that one objection this house would have long ago passed it. Tho' liable to other strong objections And as the house of Assembly are pleased by the said Message and by their address (presented to his Excellency in Council on the 14th Instant) to lay the blame of the not passing that Act and the want of Money in the Treasury, to the Charge of this house; We think it incumbent upon us in Order to obviate those Charges, to give a brief State of Facts concerning that Bill; by which it may be seen whether those Charges be Just.

A Brief State of Facts concerning the Quota Bill.

By the Printed Minutes of Assembly of January 21st 1747, it appears, that the Council had assented to and passed that Bill and sent it down to the Assembly with three Amendments and desired their Concurrence thereto, whereon the Assembly agreed to the first of the three Amendments and disagreed to the second and third.

By the same Minutes of February 10th 1747, it appears, that the Council adhered to their said second and third Amendments and requested a Conference; but the Assembly refused to confer with them thereon.

By the same Minutes of December 2nd 3rd and 7th 1748 it appears that the Council had assented to and passed a second Bill of the same Tenor, with Sundry Amendments and desired the Concurrence of the assembly to the Amendments; and that that house rejected the Amendments, and that the Council Adhered to their Amendments.

By the Minutes of Assembly of December 13th 1748, page

"and no money is now in the Treasury, either for the usual Charges of Government, or for the Extraordinary Necessities thereof, at this time when it's so much wanted.

"We cannot but observe, that there's an absolute necessity at this time of Supplying the Treasury for the above extraordinary Charges of Government at any possible rate; and we make no doubt that there [are] many ways of doing it forthwith, without the aid of that bill; such as a short Act empowering the Treasurers to borrow Money at Lawful Interest on their Notes and upon that Act; and we doubt not but that any Sum needful could in a few weeks by that means be raised."

"By the Minutes of Assembly of March 14th 1748/9 it appears, that a third Bill was brought in for the same purpose, which the Council had assented to and passed with one amendment and desired the Concurrence of the Assembly thereto; and that that house rejected the said Amendment.

By the Minutes of March 16th 1748/9 page 26th 27th it appears, that the Council sent to the assembly a Message for a Conference, by which the amendment insisted on by the Council appears verbatim which Message is in these words.

"A Message from the Council by M^r Smith in the words following. This house taking into consideration the Message from the house of Assembly delivered this Morning by M^r Lawrence and M^r Hancock in relation to the amendment made to the Quota Bill in these words."

"Whereas by the Royal Instructions to his Excellency the Governor he is directed in these words.

"Provided Always, that you do not consent to any Act or Acts to lay any Tax upon unprofitable Lands.

'It is hereby Declared, that nothing in this Act is meant, or intended to break in upon the said Instruction, as to warrant the Assessors to put any unprofitable lands into the said List or Account of things to be taxed.'

"And this house Conceiving themselves in Duty bound not to Deviate from, or pass any Law Contradictory to

"his Majesty's Instructions, are unanimously of opinion, that they cannot Consistent with the said Instruction, pass the said Bill without that amendment; wherefore this house doth unanimously resolve to Adhere to the said Amendment; and do order, that M^r Smith do acquaint the house of assembly therewith, and request a Conference upon the Subject Matter of the said Amendment; and acquaint the house of assembly that this house have appointed M^r Alexander, M^r Morris and M^r Kemble a Committee to Confer with such Committee as the house of Assembly shall appoint on the said Subject matter, and that the said Committees do meet at the house of John Trapnell in this City to'morrow at five O'clock in the afternoon."

"March 15th 1748."

By the Minutes of the same 16th of March 1748-9 it appears that the Assembly refused the Conference requested, for reasons there mentioned, and as the Council conceived that so much of those reasons as were of any weight, were obviated by the messages herein before Set forth, they then declined saying further on that matter.

By the Minutes of Council and Assembly of October 11th Instant and by the Bill now before the Assembly it appears that a fourth bill was sent up to the Council, liable to the same objection as the third and that the Council had assented to it and passed it with an Amendment in the very words of the amendment before set forth, which they had made to the third bill, and requested the Concurrence of the Assembly thereto; but they rejected the Amendment, and the Council Adhered to their amendment and sent the Bill back with it to the assembly, that if they pleased they might Demand a Conference.

From these plain and undeniable Facts appearing in the assembly's own Minutes, and the said Quota bill now before that house it is evident, that the Council have not refused their Assent to or to pass that Bill, and that the officers and Creditors of the Government cannot with truth ascribe the

Injustice done them to the Council, as by the Assembly in their said Message and Address is Groundlesly alledged; and that the not passing the Quota Bill lies Soley at the Door of the Assembly; for that by the Preceeding Facts it appears, that after the Assembly had agreed to one Amendment to it, they themselves twice dropped the bill by their refusing each time a Conference upon the other amendments to it when demanded by the Council; and they have once already dropped it by neglecting to demand a Conference with the Council on the matter of the amendment; and it is in the breast of that house whether they will now demand a Conference upon it, or drop the bill.

The Quota bill, as it stands the Council conceived was liable all along, to another strong objection, for that it requires only the Quantity of Lands to be taken and put in the List of things to be Taxed; so that all Lands must be taxed according to their quantity and not their Value; Whereas it's notorious that there is so great a Diversity in Lands both in their Scituation and Soil, as to make one thousand Acres of Land often times more value than another thousand Acres even of Profitable Lands; by which the owners of Poor land will pay ten times more Taxes for their Lands, than the owners of rich Lands are to pay in proportion to the Value; how unequal such a Taxation would be is too obvious to need our enlargeing upon it.

Ordered,

That M^r Kemble do Carry the above Message to the house of Assembly,

The House continued till,

Tuesday, October 17th 1749.

The house met, Present,

| | | |
|--|----------------|--------------------|
| The Hon ^{ble} James Alexander | Thomas Leonard | } Esq ^r |
| Edward Antill | | |
| Peter Kemble | Richard Saltar | |

M^r Kemble reported, that he had delivered the Message of Yesterday, M^r Alexander laid before this house, the Deposition of Robert Lettice Hooper Esqⁿ one of his Majesty's Justices and Clerk of the Peace for the County of Somerset, taken before him the 12th Instant, by which it appears, that at the General Quarter Sessions of the Peace for the County of Somerset Held the third day of this Instant Month, one Thomas Clawson¹ a Person Indicted of high Treason was Sworn of the Grand Jury of that County and that the Court being informed thereof by the Deputy Attorney General and that he had issued several processes against him which were returned Non 'est; the Sheriff Alledged he knew him not, and that it was his Deputy who had returned him of the Jury. The Court recalled the Grand Jury Ordered the said Clawsons name to be Struck out of the Pannel and the Sheriff to take him into custody; but being supposed in Liquor he did not move to obey the Order of the Court, the Court then ordered one Post the Deputy Sheriff to take the said Clawson into 'Custody, who also delayed moving to obey the Order, tho' often asked by the Court, why he did not obey the Order and take said Clawson into Custody? till the said Clawson went off; when the Court commanded the Constables to apprehend him, who with the Deputy Sheriff followed him and as the Deponent believes only to the house of the Deputy Sheriff near the Court house, where the said Clawson got up an Axe and threatned to Split any mans Scull that dared to take him, whereupon he got his horse from the said Post's and Rode off; on their return and report of Clawson's escape, the Court asked Post the Deputy Sheriff how he dared to return such a Person of the Grand Jury? he answered he thought that Matter had been all over; the Court asked him why he had not taken him? he answered Clawsons threatnings with the Axe.

Ordered,

That the Secretary do lay the said Deposition before his Excellency that he may take such Measures as he shall think

¹ See N. J. Archives, VII., 447.

proper to bring the said Sheriff to better behaviour and to the Choosing more fit Deputies.

Mess^{rs} Antill and Leonard laid before this house the Deposition of Casparus Prior of Bergen, taken before them the 14th Instant, by which he alledges, that a Road being heretofore illegally laid out thro' his Orchard to his great damage, before it was opened he procured twelve Surveyors according to Law to View it and alter it, ten of whom on the 24th of March last did agree and Sign an alteration of it to another place, as by the Certificate so Signed and Certified to be recorded by the Clerk of the County of Bergen appeared, Yet notwithstanding the alteration, on the 23rd of May last ten white Men of Bergen with four or five Negroes came, and in a Riotous manner did pull up, tear and cut down the deponants Fences; whereupon he complained to the Grand Jury of Bergen on the first Tuesday of this present Month and by Sundry Credible Witnesses proved the said Riot, and Yet the Grand Jury found no bill against them.

Mess^{rs} Alexander Johnston and Saltar, laid before this house the Depositions of Eliphalet Johnson and Daniel Pierson Esq^{rs} Justice's of Essex County, of John Chandler and Elijah Davis chosen Freeholders of that County, of John Styles Deputy Sheriff and Goalkeeper of that County, and of John Johnson Senior of Newark all taken before them the 14th Instant, by which it appears, that the Justices and Freeholders of Essex County met at Newark about the tenth of July last at the desire of Burwell and Ball two Persons for high Treason in the said County Goal, in Order to Consider whether they ought to Petition his Excellency the Governor for a Special Commission For tryal of the said two Prisoners, who considering that there were a multitude of other Rioters and Criminals liable daily to be taken, it would become an Endless Charge and Trouble to the County to have a Court for so few as two Persons; wherefore they agreed, that if a great number of the Rioters would sign a Petition to his Excellency promising Submission to the Court

and to take their Tryals, that then they would Petition His Excellency and meet on Notice for that Purpose, on Signing said Petition by the Rioters; and the said Justices and Freeholders drew such Petition and delivered it to a brother of one of the prisoners to Carry about amongst the Rioters and get it signed, but none Signed it except the said Burwell and Ball the Prisoners, and therefore no further Meeting was had of the Justices and Freeholders for the Purpose before: By those it appears, that in the night of the Saturday following the Goal of Newark was Violently broke open by Persons disguised and unknown, and the said Burwell and Ball were from thence then Rescued.

By several of these Depositions¹ it appears, that the Deponents believe, that about one third part of the People of the County of Essex are Rioters, and that many more have been favourers of them, and that most People of the County of Essex are by blood or Marriage related to some of the Rioters, and that they believe there are not two Juries to be found in the County of Essex, that are not either Rioters, or related to some of them, that a great Number of the Rioters hold their Lands by Titles under the Proprietors, many of whom having been asked by Sundry of those Witness why they Joined with the Rioters? gave for reason, that they thought their Neighbours oppressed by the Suits of the Proprietors, that one Vincent such a Rioter being asked by John Styles why he Joined with the Rioters? answered, when you see two boys a fighting would not You naturally Join with the weakest, and gave no other reason. John Styles says he has not made a very Exact Estimate of the numbers of the Rioters in Essex and their Circumstances, Yet verily believes, that one half of the Rioters in that County have no other Titles than Patents and Surveys under the Proprietors, that about a Quarter part have both proprietary right and Indian Right, that of the remaining Quarter great numbers have no Pretence to any right either Proprietary or Indian, and but very few have Indian Right only. Daniel Pierson says he

¹ See N. J. Archives, VII., 429-461.

was one of the Justices present who made the Records of the two first Riots at Newark in September 1745 and January 1745-6, that he Conceives himself well acquainted with the Numbers of the Rioters in the County of Essex and their Circumstances; from the observations which he has had an opportunity of making for four Years past, and from the best Judgement he can make he believes that to Divide the Rioters in the County of Essex into five parts, there are three of those five parts who hold their Lands by Patents and Surveys under the Proprietors, that some of them he has talked to, to know why they Joined the Rioters? who answered, they Conceived their Neighbours wronged and would assist them and See it out, and owned they had no Interest in the matter.

That one other fifth part of the Rioters he believes have no pretence whatsoever to any Land, either by Indian Purchase, or under the Proprietors, and that fifth part make twice as much Destruction of the Timber as all the other four fifths put together, and get their living chiefly by plundering the Timber of other Peoples Lands. That of the remaining fifth part of the Rioters he verily believes that two-thirds of that fifth sat down on Lands without any Title, or leave from any body, and lately soon before or since the Rioting began have Acquired Indian Deeds, and that not above one third part of the said remaining fifth sat down Originally on pretence of Indian Deeds, believes that not one third of the men of the County of Essex are Rioters, tho' many more he believes wish them well, and verily believe, there's Scarcely a Man in the County of Essex but what is related by blood or Marriage to some one or other of the Rioters, except some Straglers lately come into the County.

And [then] was laid before this house the Examinations of Aaron Ball and Theophilus Burwell Prisoners for Treason in the Goal of Essex at Newark, taken before Robert Hunter Morris Esq^r Chief Justice the 11th Instant, the said Ball denies the knowledge of any of the Persons who broke open the Goal and rescued him in July last. That on the Sixth

Instant he with Theophilus Burwell signed three several Petitions to the Governor Council and assembly Praying for their Tryals—That the Petitions were Signed at the house of Joseph Roberts in Newark about three Miles from the Goal, and that Joseph Camp Joseph Day, Joseph Roberts and Eleazer Lampson were present. That on the tenth Instant was brought to them three other Petitions like the former, and was told that their Signing the other Petitions while out of Goal was not sufficient, and those they then Signed.

Theophilus Burwell by his Examination says, that on the 15th of July last he was told that he and Ball should not be long in Goal, believes it was by Ezekiel Johnston, and he understood thereby that the Goal was to be broken and they rescued, because it was said they were not to have their Tryals till his Majesty's Pleasure should be known. That they were rescued that night—Denies knowledge of any of the persons—That he was informed that Thuel Pierson, John Vincent and Joseph Lindsley were the Persons who carried about the Petition which had been drawn by the Justices and Freeholders for the Rioters to sign and that they Carried it to several of the Mob to sign Spending two days for that Purpose, but could not prevail on any one to sign except him and the said Ball. That the Examinant was sent for at a Meeting of the Committee, where was present John Cundit, Joseph Day, Nathaniel Wheeler, Stephen Morris, Thomas Williams, Samuel Harrison and Joseph Roberts, when said Committee persuaded the Examinant to return to Goal and Petition for a Tryal; and that the next day being the Sixth Instant [he was seen] by Joseph Pierson and Thuel Pierson who told him that it was the desire of the assembly he should do it which he accordingly did.

And was laid before this house the Deposition of John Rolfe Esq^r one of his Majesty's Justices of the Peace of the County of Essex, taken the 16th Instant before James Alexander, Andrew Johnston and Richard Saltar, who agrees with the preceeding Witnesses in Substance as to the meeting

of the Justices and Freeholders for Petitioning for a Commission, and Sets forth the Substance of the Petition, which he and Captain Hampton drew for the Rioters to Sign, at the request of the Justices and Freeholders, Viz^t

That the Subscribers had been accused of Sundry Crimes, some of assembling themselves together in a Riotous manner and breaking Goals and rescuing Prisoners therein committed, others of turning People forcibly out of possession, and of Sundry other Crimes; Praying His Excellency to Grant such Commission as before, for their Tryals and promising Submission to the Jurisdiction of that Court—and the Deponant declares he is verily of opinion, that it's scarcely possible to find a Man in the County of Essex, except it be a few Persons lately come into it who have hardly any Settlement but what are related by Blood or Marriage to some one or other of the Rioters.

M^r Saltar from the Committee to whom the Bill Entituled, An Act for the Support of the Government of His Majesty's Colony of New Jersey for one year, was referred, reported that the Committee had gone through the same and had made several amendments thereto which he was ready to report, when the house should be pleased to receive the same.

Ordered,

That the report be made immediately.

Whereupon he read the amendments in their places and delivered the same in at the Table.

Ordered,

That the said amendments be read a second time And the amendments being read a second time, were agreed to by the house and Ordered to be Engrossed.

M^r Saltar also reported, that he was Ordered by the Committee to lay before this house the reasons which induced them to make the amendments to the said Bill, in the words following.

To such Agent or Agents as shall from time to time by Legislative Act be appointed for transacting the Publick Affairs of this Province at the Court of Great Britain.

Which reasons are as follows, Viz^t

1st For that by his Majesty's Instructions things of different natures ought not to be blended and mixed together in one Bill but the raising money for payment of an Agent is a thing quite Different in it's nature from the appointment of and directions to an Agent, and therefore ought not to be in the same Bill ;

2^d For that the house of Assembly pretend to Admit of no Amendment by this house to a Money Bill, which was never admitted by this house to be a Just pretention, but has often been Vigourously opposed and Yielded in some Instances by the house of assembly ; and the like Pretentions have several times been Deemed Vain and Groundless by the Lords Commissioners for Trade and Plantations, as appears by Letters formerly entered in the Minutes of this house, and Particularly in that entered in February 1747/8 wherein they say the same point has been determined so by his Majesty ; and Yet notwithstanding the house of assembly have often taken advantages of the distress of the Government for want of money, and have Added things to money Bills of quite different natures and pernicious in themselves, so that the Council has been often obliged to pass such Bills, rather than suffer the distress to continue. But as no Money is now in the Treasury unappropriated by former Acts, nor is there any Money by any Act now in being Enacted hereafter to come into the Treasury but what is already appropriated, tho' this Government was never in greater distress for want of money, Yet the passing this Bill for the reason before, can no way tend to remedy it.

3rd For that the house of Assembly may as well pretend to the nomination of all the Officers of the Government ; and to the taking the Executive Powers thereof, wholly into their own hands, as to the appointing an Agent to Act for this Province, by a Money Bill without any Previous consent or Advising with the other Branches of the Legislature, as to the person of the Agent, or the directions from time to time to be given him.

1st For that it would be against all reason at this time when this house found itself under a Necessity by their Oaths to Lay before His Majesty the neglect of the assembly in Relation to the Traitors, Rioters & Counterfeiters in this Province, that that application of the Council should be at A Private charge, and the assembly's defence at the Public Charge, which would in effect be the Case by allowing to the Assembly the Sole nomination and direction of an Agent paid by the Publick Money of this Province.

Which reasons being considered of by this house, it is ordered they be entered in the Minutes thereof.

The house continued till,

Wednesday, October 18th 1749,

The house met, Present,

| | | |
|--|----------------|--------------------|
| The hon ^{ble} James Alexander | Thomas Leonard | } Esq ^r |
| Edward Antill | | |
| Peter Kemble | Richard Saltar | |

The Bill Entituled, An Act for the Support of the Government of his Majesty's Colony of New Jersey for one Year & with the Engrossed Amendments being read a third time.

And the Question put.

Resolved,

That the same as amended do Pass.

Ordered,

That the Speaker do sign the same.

Ordered,

That M^r Saltar do carry the said Bill with the Amendments annexed to the house of Assembly and desire their Concurrence to the said Amendments.

The house Continued till

Three O'Clock P. M.

The House met, Present

| | | |
|--|----------------|---------------------|
| The hon ^{ble} James Alexander | Peter Kemble | } Esq ^{rs} |
| Edward Antill | | |
| Alexander Johnston | Richard Saltar | |

M^r Saltar reported, that he had obeyed the Order of this house of the forenoon.

A message from the house of assembly by M^r James Smith and M^r Bispham.

"October 18th 1749.

"Ordered, that M^r James Smith and M^r Bispham do wait
"on the Council and acquaint them, that this house taking
"into consideration the message of the Council of Yesterday
"by M^r Kemble do observe with some concern how fond they
"are of making use of the assemblys not pointing out to them
"the Acts now in being, to Enable them as they say, with
"truth and Veracity to assent to and Pass, as their Act the
"parts of the said [Bill] for support of Government, which
"they say imply the Facts they mention; These Facts as the
"Council are pleased to Term them, are the same in this Bill
"as they were in the Bill for Support of Government of last
"year, and were then by their Passing that Bill thought by
"them not to be inconsistent with Veracity and truth, and
"why they are so now more than they were then, the house
"are at a loss to know except it proceed from an inclination
"in the Council to stop the Passage of that Bill and thereby
"prevent the Government being Supported, which they would
"willingly hope is not the Case.

"As those Facts are incerted in the Councils message of the
"13th Instant on this head, they need not be again repeated
"to shew that nothing therein contained either is in the assem-
"bly, or would be in the Council inconsistent with truth and
"Veracity to assert, and this they think every person that

" will impartially peruse them will conclude them to be the
 " case notwithstanding the Council are pleased to Assert, that
 " *they are well Assured that the house of Assembly cannot point*
 " *to any such Acts, because none such are in being* ; the intel-
 " ligent Manner of wording that Bill with the knowledge the
 " Council might have of the possibility of money coming into
 " the Treasury, to Answer in part if not in the whole the pay-
 " ments confessed by that Bill to be due to the Officers of the
 " Government, the Assembly thought might have excused
 " them from pointing out the facts the Council are pleased to
 " call by that name, Yet for the sake of setting this matter in
 " a true light and to shew that the Assembly have done what
 " they could do, to Support the Government, We shall first
 " observe, to such as are willing to understand us, that there
 " is yet an Act in being for making forty thousand Pounds
 " approved by his Majesty ; from the Loan of that Money
 " Interest is Yet arising and payable into the Treasury, Sub-
 " ject to be applied as by this Bill is directed to Support of
 " Government, the Council may Object that the province is
 " more in Debt than that money will pay, it is true, we know
 " it, at the same time we also know that the payment of that
 " Debt might be Postponed for some Years longer, and in this
 " our distressed Condition the said Interest Money made use
 " of as it hath heretofore been for the Support of Govern-
 " ment ; we think the Council could not but know that they
 " Joined the other Branches of the Legislature in passing a
 " Bill in the Year 1747, for making Current £40,000 which
 " was sent home for his approbation, We presume the Council
 " cannot yet know that that Bill has been disapproved by His
 " Majesty, neither can they foresee but his Majesty may ap-
 " prove the said Bill, nor but that he hath done it before this
 " time, in which Case, how can they with Veracity and truth
 " say *none such are in being* ; if that Bill should be assented
 " to by His Majesty the Interest money arising from thence
 " is Subjected to and would pay the money given in this Bill,
 " in Case the Assembly cannot obtain a Quota Bill to Enable

“them to do it sooner ; From all which it will plainly appear
“that the Council are not under any necessity of Assenting
“to said Bill from *the Assembly's not knowing but that the*
“*Facts may be true &c*, but that they might have had knowl-
“edge of their own Sufficient to have Supported them in
“assenting to such Facts as that Bill Contains, and may Yet
“do it if they see fit.

“What the Council say concerning the Quota Bill's not
“Enabling them to Assert the facts they mention if it had
“passed into a Law is already sufficiently answered to the
“intelligent reader ; it will suffice for the Assembly to say
“that it would have answered all the Salutary ends set forth
“in the message of this house of the 13th Instant to the
“Council.

“As the reasons offered to the Council by the Assembly in
“March last from their dissenting to the Amendment so
“called of the Council to the Quota Bill, and clearing that
“Bill from infringeing on the Instruction there mentioned,
“remain this time unanswered, the house of Assembly had
“hopes at the passing the Support Bill, that the Council
“would have Assented to the Quota Bill in the form sent up,
“from the reasons made use of in that message, which in the
“long State of Facts they have taken the pains to Collect, we
“observe they have carefully avoided to recite, and therefore
“to revive them in their Memory, we shall recite them as
“follows.

“ March 16th 1748/9

‘ Ordered

‘ That M^r Spicer and M^r Fisher do wait on the Council
‘ and acquaint them that this house having deliberately Con-
‘ sidered their Message of this day are of Opinion that notwith-
‘ standing the Motives this house acted upon in refusing their
‘ Amendment to the Bill to Enable the Legislature to settle the
‘ Quotas are in themselves sufficiently just and reasonable, Yet
‘ as the Council seem to look upon them in another light, we
‘ esteem it Necessary to Declare that the Bill as passed by this

'house is not only Conformable to former Laws of this
 'Province, but in the part proposed to be amended is fully and
 'clearly expressed, and that the Royal Instruction as related
 'in the Councils Message doth [not?] (as we Conceive) at all
 'Clash or interfere with the words used by this house in the
 'said Bill; which words amongst other things in Declaring
 'what may hereafter be made Taxable are as follows, the
 'whole of all profitable Tracts of Land, held by Patent
 'Deed or Survey whereon any improvement is made. As
 'the Natural and obvious import of these words as they
 'stand in the Bill is only to Enable the Legislature hereafter
 'to know the quantity of Profitable Tracts of Land whereon
 'improvement is made, and as the Royal Instruction forbids
 'the Governor to give his assent to Tax unprofitable Lands,
 'that is, as the Taxing profitable Lands only, and the not
 'taxing unprofitable Lands, seems in no respect inconsistent
 'with each other. We are at a loss to Account for the differ-
 'ent Sentiments upon this Matter, or why the Council should
 '*unanimously be of opinion that they cannot Consistent with*
 '*the said Instruction pass the said Bill without their amend-*
 '*ment*; especially as there appears such a Necessity of the
 'said Bill at this time to Support Government and discharge
 'the Debts of the Province, and which is the third of the
 'kind passed by this and the last Assembly within fifteen
 'Months past. And besides that experience proves it to be
 'Clear from any ill consequences, the allowing the Governor
 'to have been the proper Judge of his own Instructions in
 'this matter could have been of no great disadvantage, as
 'the alteration proposed differs but little as to matter of Sub-
 'stance, at least in the opinion of this house, who notwith-
 'standing cannot but set too just a value upon the natural
 'Rights and Priviledges Invested in the representative body
 'of this Province, than to Consent to any alteration in a Bill
 'which so nearly Affects the Priviledges of the people we rep-
 'resent; in which we hope to be Excused by the Gentlemen
 'of the Council, however fond they may be of making the
 'thing in dispute of as much Consequence as actually laying

'a Tax. This house however upon the whole do unanimously refuse to Confer upon a Subject that is really laying a foundation for it.

"And notwithstanding what they now say of so much of the reasons as were of any weight being obviated by the message hereinbefore set forth, the assembly are of quite a Contrary opinion, and that what they have now said hath no tendency to obviate the reasons of that message, neither will the Council be able to shew reasons to obviate the Facts therein contained, which have by long Experience obtained the universal approbation of the Inhabitants of this Colony.

"The long State of Facts set forth by the Council, serve to shew how often they have Amended the Quota Bill in such a manner as the several Assemblies could not agree to, and also to shew that they have not refused their Assent to the said Bill so amended; the Assembly however, are not Convinced but that the amending a Bill in such a manner as they can by no means agree to it, is equally fatal to the Bill so amended, as if they had refused their Assent to it.

"To the other strong objection the Council say the Bill was always Liable to, it is without foundation, one of their own making, there being nothing in the Quota Bill relating to the value of lands, neither anything that would hinder the Legislature, which Enacts a Law for Levying a Tax, from empowering the Assessors to put a Discretionary Value on the Lands or other things, or or otherwise as that Legislature shall think proper."

"THO' BARTOW Clk"

M^r Spicer and M^r Fisher from the house of Assembly, brought back the Bill for Support of Government with the following message.

"October 18th 1749.

"Ordered, that M^r Spicer and M^r Fisher do wait on the Council with the bill for the Support of the Government

"&c" and amendments made thereto by that house, and "acquaint them, that this house have Resolved nemina con-
 "tradiciente that the Council have no right to amend any
 "Money Bill whatever; therefore they do reject the said
 "amendments and adhere to the Bill, and that the house look
 "upon their amending the said Bill to be a manifest Infringe-
 "ment upon the Rights and Priviledges of this house, and
 "those whom they represent."

"THO' BARTOW Clk"

The house Continued till,

Thursday October 19th 1749.

The House Met, Present,

| | | |
|--|----------------|--------------------|
| The hon ^{ble} James Alexander | Peter Kemble | } Esq ^r |
| Edward Antill | Thomas Leonard | |
| Andrew Johnston | Richard Saltar | |

Ordered, that M^r Saltar do Acquaint the house of Assem-
 bly, that this house taking into Consideration the Message
 from the house of assembly of the 18th by M^r Smith and M^r
 Bispham, do observe thereon, that if this house Erred in
 passing of the Bill for Support of last year, It's a reason for
 repentance of that Error and not for repeating it, if we then
 Erred, we believe the minutes of both houses at that time will
 plead our excuse, as thereby it will appear, that other things
 of more moment engrossed our attention, and that the impa-
 tion¹ of the house of Assembly, left us too little time to Con-
 sider that Bill. We do further observe, that tho' An Act
 for making forty thousand Pounds approved by His Majesty,
 be in being, and that from the Loan of that Money Interest
 is arising and payable into the Treasury, Yet no part of that
 Interest does now remain to be applied by former Acts of the
 Legislature—This house observed no words in this Bill, nor
 in that of last year to repeal or postpone that application, and

¹ Impatience.

if we had we should have Conceived it our Duty either by an Amendment to have Expunged them, or incerted a Clause declaring the Act not to take effect till the royal Assent [be] had thereto Pursuant to His Majesty's 19th Instruction, communicated by his Excellency to the house of assembly, on the 28th of November last.

We do well know, that We joined the other branches of the Legislature in passing a Bill in the Year 1747, for making Current £40,000, and that that Bill had a Clause in it Declaring it of no Force till his Majesty's Royal approbation should be had thereto and we don't know, nor believe that that approbation is had, and therefore it is not *such an Act in being*, as Could Justify our asserting the Facts pointed out by our Message of the 13th The possibility of It's being in force, being no Sufficient reason for us to assert it to be in Force, especially as this house is well informed, as we doubt not the house of assembly are, that that Bill is reported for his Majesty's Disallowance.

This house is of opinion, that the Assembly's message of march 16th 1748/9, now set forth at large in their said message of the 18th adds weight to the message of this house of the 17th Instant, instead of obviating it.

That there's nothing in the Quota Bill relating to the value of Lands, so the very objection we offered to it for the Value of a thing ought to be the rule for Taxation, and not the quantity of it as by the Quota Bill is now intended.

M^r Saltar reported, that he had obeyed the above order.

The house taking into consideration the message of the house of assembly of yesterday by M^r Spicer and M^r Fisher, together with the amendments made by this house to the Bill for the support of the Government &c, Came to the followning Resolutions.

Resolved,

That this house doth adhere to the said amendments

Resolved,

That this house hath a right to make all the said amend-

ments to the said Bill, and that no persons whatsoever have a right to oblige this house to assert Facts contrary to truth.

Resolved, That none of the amendments which this house hath made to the said Bill are any Infringement upon the Rights and Priviledges of the house of assembly, or those whom they represent.

Ordered,

That M^r Saltar do carry back to the house of assembly the Bill for the Support of Government & together with the above resolutions.

M^r Saltar reported, that he had obeyed the above order.

The house Continued till

Thursday October 20th 1749.

The house met, Present

| | | |
|--|----------------|--------------------|
| The hon ^{ble} James Alexander | Thomas Leonard | } Esq ^r |
| Andrew Johnston | | |
| Peter Kemble | Richard Saltar | |

His Excellency laid before the house the following message, which he had received from the house of assembly.

“Ordered,

“That M^r Emley and M^r Camp do wait on his Excellency
 “and acquaint him that the Council have proceeded in such
 “manner as to obstruct the passing the Bill for Support of
 “Government, which has put it out of the Power of the
 “assembly to do it at this time without giving up the Liberties
 “of the people; and therefore they desire he will please to
 “dismiss them.”

Then the assembly were prorogued to Meet at Burlington on Thursday the 30th November 1749.

Pursuant to a Prorogation of the General Assembly His Majesty's Council for the Province of New Jersey Mett at Burlington

On, Wednesday February 14th A.D. 1749.¹

Present

| | | |
|--|--------------------------|--------------------|
| The Hon ^{ble} James Alexander | Tho ^s Leonard | } Esq ^r |
| Richard Smith | | |
| John Rodman | Richard Saltar | |

His Excellency came into Council, and Ordered the Deputy Clerk of the Council to require the Attendance of the House of Assembly in the Council Chamber.

The House of Assembly attending His Excellency made a Speech to both Houses, and delivered a Copy thereof to the Speaker of the Assembly, & M^r Alexander having begged of His Excellency the favour of a Copy thereof for the Use of this House, His Excellency answered, he would cause a Copy thereof to be made, and send it To'morrow.²

His Excellency laid before this House the Depositions and Copy of the Proclamation mentioned in His Speech Viz^t

A Deposition of Abraham Philipse of Horse Neck, taken before Samuel Nevill Esq^r One of the Justices of the Supreme Court, upon the 9th Day of December 1749, setting forth in Substance, that on the 9th of November then last a Number of People Named, whereof one had a Gun, did come to his dwelling House at Horse Neck, and Violently threat'ned to destroy him, and broke down several of his Fences and improvements before his face, whereupon the said Abraham Philipse with his aged Mother departed from His House for fear of their lives, and went to other Houses about two Miles off; and when they departed he the said Abraham Locked the Door of the House: That he returned next

¹ The General Assembly was prorogued to meet on the 30th of November, 1749; but, for some reason unknown, it seems to have been still further prorogued.

² See page 210 hereafter.

Morning to his said House, & found a great part of the roof of his said House pulled off; the Door broke open and Carried away, his Hoggs gone, and a Stack of Oats, and a Stack of Corn Stalks and Flax; and all the Provision and Fodder he had laid up for the Winter, burnt to Ashes; which he verily believed to have been that night done by the said Rioters: That he was Several Days searching the Woods for his Hoggs, and at last found them, but he found One of them Dead, (to witt) a Breeding Sow: And that the said Deponent believed his refusing to join with them, in taking a Man out of Goal, and refusing to have any Concern with them, and Declaring his intention to buy of the right Owners, was the occasion of his being thus abused.¹

Also the Deposition of Thomas Gould, taken by the said Samuel Nevill, on the said 9th of December Setting forth, that he hearing of the intention of Committing the said Riot, went in the Evening Privately to See the actions of the Rioters, and found that they were at a Fire about forty Rod from the House of said Abraham Philipse and heard them fire a Gun, four or five times in the Night; that about Bed-time he went to the Door of the House of the said Abraham Philipse and found it fast, and upon his hearing the said Rioters coming towards the House, he retired; that Soon afterwards he heard a Noise at the Door as if broken Open; that the next morning at Sun-rise he went again to the House of said Abraham Philipse, and found part of the Roof of the House broke off; the Door broke open & gone; and a Stack of Oats, and a Stack of Corn-Stalks which stood near the said House, burnt to Ashes.²

Also the Depositions of John Haskell,³ and Charles Russell, taken before John Coxe Esq^r One of His Majesty's Council, on the fourth Day of January 1749, Setting forth, that on Tuesday the second of that Instant January, themselves and other Workmen Employed by Mess^{rs} William Allen and Joseph Turner, went to Work on Part of the 3,000 Acres of Land by them Leased of the west Jersey Society, but in less

¹ See N. J. Archives, VII., 444.

² *Ibid.*, 375.

³ Hackett, *Ibid.*, 377.

than two Hours after they began their Work, they were Attacked by Six Men, who forbid them Cutting down Timber, Alledging themselves to be the owners, as they had the Possession; and that they would maintain it 'till the right was determined in England; and because they would not desist, one of them knocked down the head Workman, upon which a Fray Ensued; and M^r Allen's Men having Overpowered them, Carried them before a Magistrate, who Committed three of them to Trenton Goal, they refusing to give Security; Declaring the Mob would be their Security, that the said Deponants being in their way to the Constables, to Assist in Carrying the Prisoners to Goal, they Overtook About 20 Rioters with Clubs, and when they Came to the Constables they saw about 15 or 20 Rioters more, threatening to rescue the prisoners, and declaring they should not keep them in Confinement, but that they would come and Rescue them, and the Prisoners being Guarded and on their way to the Goal and finding the Rioters did not Attempt to put their threats in Execution Declared they were Satisfied they were gone to pull down the House and Furnace belonging to said Mess^{rs} Allen and Turner and often Declared they made no Doubt of being Rescued from Goal by the Rioters that Same week.

And which Proclamation before mentioned is in these words.

By His Excellency Jonathan Belcher Esq^r Captain General and Governor in Chief, in and over His Majesty's Province of New Jersey, and Territories thereon depending in America, Chancellor and Vice Admiral in the Same, &c

A Proclamation

Whereas it appears to Me, by Several Depositions I have received that two dangerous and Violent Riots have been lately Committed in this Province, the One in the County of Essex, and the other in the County of Hunterdon, and many threatening Speeches and Declarations have been made by the Persons Concerned in the same.

These are in His Majesty's Name, to Command all Officers, Civil and Military, to be very Vigilant in Apprehending any Persons who have been concerned in the said Riotts: And that the Sheriffs of the Several Counties, or other Civil Officers, or any Colonel, or other Officer of the Militia in this Province, do immediately on Notice of any Riott or Violence intended to any of His Majesty's Subjects or their Estates, raise so many Men as shall be necessary to Oppose and Obstruct the Execution of such designs; and do Apprehend the Persons concerned, and Convey them to the Goal of the respective Counties, where such unwarrantable Proceedings shall be done or attempted, in Order to their being brought to Justice. And all Officers Civil and Military, are required to Exert themselves Vigourously, on these and all Occasions of the like Nature.

Given under my hand and Seal at Arms at Burlington, this twenty Sixth day of January, in the twenty third year of his Majesty's Reign.

J BELCHER.

By His Excellency's Command,

CHARLES READ, Secretary.

God Save the King.

The House Continued till

Thursday, 15th February ADom. 1749/50.

The House Met

Present

| | | |
|--|---------------------------|--------------------|
| The Hon ^{ble} James Alexander | John Coxe | } Esq ^r |
| John Rodman | Thom ^s Leonard | |
| Richard Smith | Richard Saltar | |

The above three Affidavits & Proclamation, were read this Day

Ordered,

That the same be delivered to M^r Secretary to be delivered

by him to the House of Assembly, according to His Excellency's Order.

The House Continued till

Friday, 16th February ADom. 1749/50.

The House met Present

| | | |
|-------------------------------------|----------------|--------------------|
| The Hon ^{ble} John Reading | Thomas Leonard | } Esq ^r |
| James Alexander | | |
| John Coxe | Richard Saltar | |

M^r Reading reported that he had Obtained a Copy of His Excellency's Speech, delivered to both Houses on Wednesday last, which was read, and is as follows.

Gentlemen of the Council & of the General Assembly,

I am sorry to observe to You, that your late Session at Amboy was wholly taken up in Dispute and Contention among Yourselves and when it So happens the Publick Weal is commonly Neglected and injustice and Oppression follow; I would therefore in the first Place Say, that Condescension is accounted the Glory of a Prince, and your Practizing this Vertue to one another, I am Satisfied, would have a Happy tendency to the Peace, good Order and welfare of this Province & People.

Upon my receiving the Accounts of two Notorious Riots, lately Committed in this Province, I issued a Proclamation Commanding all officers, Civil and Military to be Aiding and Assisting in apprehending the Authors of these Outrages, that they may be brought to Justice and to their Condign Punishment; the Affidavits and the Proclamation relating to this Affair the Secretary shall deliver You; and if You can Suggest anything more that can be done by My Authority Singly, I shall Chearfully Pursue it: But would You Gentlemen heartily join with the Governor (I say the whole Legislature Unitedly) to Suppress this Spirit of Tumult and

Sedition, I Doubt not but we Should See this Province in the Desirable State of Good Order and Tranquility.

Gentlemen

Where the fault Lyes that there has been no Money in the Treasury for a long time past is not for me to Determine; But you must all be sensible that the Body Politick can no more Subsist without Proper Provision for its Support, than the Body Natural can live without what is necessary to Continue it in being: I therefore hope, you will Unite in Some method for the Present Supply of the Treasury; that such as have just Demands on the Province, may no longer have reason to Complain, or Suffer by an Empty Treasury.

I have only to Add, that a good Unanimity will give Strength and Beauty to all your Proceedings in the Publick Affairs.

Burlington
February 14th 1749/50

J. BELCHER

The House Continued till

Monday February [19th] ADom. 1749/50.

The House Met

Present

| | |
|--------------------------------|--------------------|
| The Honourable James Alexander | } Esq ^r |
| Richard Smith | |
| Richard Saltar | |

A Message from the House of Assembly, in the words, following Viz^t

"Ordered

"That M^r Cook and M^r Hancock do carry the Bill Entitled, An Act to Enable the Legislature to Settle the Quotas of the Several Counties in this Colony & to the Council for Concurrence."

| | |
|-----------------------------------|-----------------------------|
| By Order of the House of Assembly | |
| February 17 th 1749/50 | SAM ^l SMITH Clk. |

The aforesaid Bill Entituled, An Act to Enable the Legislature to Settle the Quotas of the several Counties in this Colony &° read the first time and Ordered a Second reading.
The House Continued till,

Tuesday, February 20th ADom 1749/50 A. M.

The House Met. Present.

| | |
|--|-------------|
| The hon ^{ble} James Alexander | } Esquires. |
| John Rodman | |
| Richard Smith | |
| Richard Saltar | |

The Question being put, whether the Second reading of the Bill Entituled, An Act to Enable the Legislature to Settle the Quotas &° shou'd be delayed 'till a fuller House were had ?

It was Carried in the Affirmative
The House Continued till,

February 20th P. M.

The House Mett

Present as before with M^r Coxe.

The Bill Entituled, an Act to Enable the Legislature to Settle the Quotas &° was read the Second time and Committed to the Gentlemen of the Council or any five of them.
The House Continued till,

Wednesday, February 21st ADom. 1749/50 A. M.

The House Met

Present

| | | |
|--|----------------|--------------------|
| The Hon ^{ble} James Alexander | John Coxe | } Esq ^r |
| John Rodman | | |
| Richard Smith | Richard Saltar | |

M^r Smith from the Committee to whom the Bill Entituled, An Act to Enable the Legislature to Settle the Quotas &c was referred, reported, that the Committee had gone through the same, and had made one Amendment thereto, which he was ready to Report, when the House will please to receive the Same.

Ordered,

That the report be made immediately

Whereupon he read the Amendment in it's place and it is as follows, At the End of the Bill Add these Words.

"Whereas, by the Royal Instructions to His Excellency the Governor he is directed in these Words.

'Provided Always, that you do not Consent to any Act or Acts, to lay any Tax on unprofitable Lands'

"It is hereby Declared, that nothing in this Act is meant or intended to break in upon the said Instruction, or to Warrant the Assessors to put any unprofitable Lands into the said List or Account of things to be Taxed."

Ordered,

That the above Amendment be read a Second time.

And the Amendment being read a Second time, was agreed to by the House and Ordered to be Engrossed.

The House Continued till,

February 21st P. M.

The House Met

Present, as before

The Bill Entituled, An Act to Enable the Legislature to Settle the Quotas &c with the Engrossed Amendment, being read the third time

And the question being putt. ?

Resolved.

That the said Bill as Amended do Pass.

Ordered,

That the Speaker do Sign the Same.

Ordered,

That M^r Smith do Carry the said Bill, with the amendment made thereto, to the House of Assembly, and desire the Concurrence of that House to the said Amendment.

The House Continued till,

Thursday, February 22^d 1749/50.

The House Met,

Present,

| | | |
|--|----------------|--------------------|
| The Hon ^{ble} James Alexander | John Coxe | } Esq ^r |
| John Rodman | | |
| Richard Smith | Richard Saltar | |

M^r Smith reported that he delivered the Bill Entituled, An Act to Enable the Legislature to Settle the Quotas &^e to the Speaker of the House of Assembly at three O'Clock yesterday afternoon the House of Assembly not then Sitting.

M^r Coxe delivered to the Council the following Message from the House of Assembly, which he received from M^r Mott and M^r Mickle, this House not then Sitting.

"Ordered,

"That M^r Mott and M^r Mickle do wait on the Council and "desire to know what Progress they have made in the Bill "Entituled, An Act to Enable the Legislature to Settle the "Quotas &^e"

"Feb^y 21st 1749

SAM^l SMITH, Clk"

And that he told the Messengers that the said Bill with the Councils Amendment thereto had been sent down to them three hours before.

His Excellency came into Council and having by the Secretary informed the House of Assembly that he was in the Council Chamber ready to receive the Address of that House.

They Attended and delivered their Address in the following words.

To His Excellency Jonathan Belcher Esq^r Captain General and Governor in Chief, in and over His Majesty's Province of New Jersey and Territories thereon Depending in America, Chancellor and Vice Admiral in the Same &^c

May it Please Your Excellency,

We, His Majesties Duitiful and Loyal Subjects, the Representatives of the Colony of New Jersey, beg leave to observe, that We don't Conceive the late Sitting at Amboy, was wholly taken up in dispute and Contention, between the Council and this House If any thing passed which bore such resemblance, it was Chiefly owing to their infringeing upon our Privileges, in making alterations to the Bill for Support of Government, which had a tendency to deprive the House of the appointment of their agent, at the Court of Great Britain; and to Lodge too much power in the Gentlemen of the Council, in the disposal of the Publick money; and thinks¹ of the like Extraordinary and Unprecedented Nature, but this did not occasion us to Neglect the Public Weal, but, on the Contrary, We, in a particular manner, applied ourselves to Sundry other matters (as our Journal will fully Demonstrate) which we esteemed Necessary to be deliberated upon for the Publick Good. We readily agree with your Excellency, that a prudent Condescension may be accounted the Glory of a Prince; and on our part Shall Practice that Virtue towards the Gentlemen of his Majesty's Council, So far as we can Consistent with the trust reposed in Us; further ought not to be desired, nor would it, (if Granted) be likely to Produce the peace, good order, and welfare of this Province and People.

By the Affidavits mentioned in your Excellency's Speech We find fresh Outrages have been Committed, by Certain disorderly Persons, but those offenders, (by information) are now under prosecution for the same, and likely to be brought

¹ Things.

to Justice, and Condign Punishment, by a due Course of Law; which is the only thing we can Suggest to be pursued in this, and every other Case of the like Nature. And had your Excellency been pleased to issue a Commission for the Tryall of those Persons under Confinement in the Goal for the County of Essex, according to our request last Sitting, it might have proved very beneficial, and still may (if pursued) greatly Conduce towards Suppressing this Spirit of Tumult: Speedy Tryals for the Punishment of Villany, and relief of innocence in distress, Seldom failing of having a due effect upon the minds of the People, nor of Establishing good Order and Tranquillity among them:

Although your Excellency don't incline to Determine where the fault Lyes, that there has been no Money in the Treasury for a long time past, Yet we may, with *truth and Veracity* say, that it cannot be justly attributed to the House of Assembly; because they, Maturely observing That the Treasury was greatly Exhausted, & the Colony much involved in Debt, through the Aid given to His Majesty, in the late War against the powers of France and Spain, the annual Decrease of the Interest Money, arising from the publick ffunds; the discharge of the high Salaries to the several Officers of the Government; and the heavy burthen of expence accrued by frequent and long Sitings of Assembly, did, (in order to prevent as much as possible the Complaint of an Empty Treasury) repeatedly pass, and Send to the Council for Concurrence, a Bill to Enable the Legislature to Settle the Quotas of the several Counties in this Colony, which not being agreed to by those Gentlemen, in the manner the House thought reasonable, that Bill has hitherto been Defeated

Without which the Debts of the Colony can be neither Discharged nor the future Support of the Government provided for in an Equitable manner: Therefore, that nothing may be wanting on Our Part, We have once more Passed a Bill, to Enable the Legislature to Settle the Quotas, and Sent

the Same to the Council for Concurrence; which, if agreed to by them, and Passed by Your Excellency, We Shall then Endeavour to Supply the Treasury with all Convenient dispatch, according to the best ability of the Colony: To the end all those who have any Just Demands thereon, may not Suffer by an Empty Treasury. We agree with Your Excellency, that a good Unanimity will add Strength and Beauty to the Publick Affairs, and on our Part Shall Endeavour to promote it

By Order of the House

SAMUEL NEVILL, Speaker

Several of the Members of the House, being
of the People call'd Quakers, do concurr to
the matter and Substance of this Address,
but make their Usual Exception to the
Stile

Burlington,

February 21st 1749.

The House Continued till,

Friday, 23rd February ADom. 1749/50

The House met

Present

| | | |
|--|----------------|--------------------|
| The Hon ^{ble} James Alexander | John Coxe | } Esq ^r |
| John Rodman | Thomas Leonard | |
| Richard Smith | Richard Saltar | |

M^r Coxe informed the House that M^r Emley and M^r James Smith from the House of Assembly, had Yesterday delivered him the Bill Entituled, An Act to Enable the Legislature to Settle the Quotas &^o together with the following Message Viz^t

they represent for the Council to Prescribe Ways and Means how Money should be raised on the Good People of this Province for the Support of Government, and Paying the Publick Debts of the Colony, is Groundless and without the least foundation; this House having made no Such attempt, but on the contrary, have only regulated their Conduct agreeable to His Majesty's Instruction, and according to what they Conceive to be their Duty, and is no way an infringement upon the Priviledges of the House of Assembly, or the liberties of the People.

Ordered, that M^r Smith do Carry back to the House of Assembly the said Bill with the amendment made thereto by this House together with the above Resolutions.

The House Continued till

Saturday 24th February 1749/50

The House Met,

Present

| | | |
|--|----------------|--------------------|
| The Hon ^{ble} James Alexander | John Coxe | } Esq ^r |
| John Rodman | Thomas Leonard | |
| Rich ^d Smith | Richard Saltar | |

M^r Smith reported that he had obeyed the Order of Yesterday

The House Continued till

Monday, the 26th February 1749/50.

The House Met

Present

| | | |
|--|---------------------------|--------------------|
| The Hon ^{ble} James Alexander | Thom ^s Leonard | } Esq ^r |
| John Rodman | | |
| Richard Smith | Richard Saltar | |

A Message from the House of Assembly, in the words following, Viz^t



"In the House of Representatives, February 22^d 1749—
 "The Bill Entituled, an Act to Enable the Legislature to
 "Settle the Quotas of the Several Counties &^s together with
 "the Councils amendment thereto, was read.

"Resolved, Nemine Contradicente, that this House doth
 "reject the said Amendment, And Adhere to the Bill.

"Resolved, Nemine Contradicente, that the Council have
 "no right to Amend the Said Bill, and that it is an infringe-
 "ment on the rights and Priviledges of this House, and the
 "People we represent, for the Council to Prescribe Ways and
 "Means how Money shall be raised on the Good People of
 "this Province, for the Support of Government and paying
 "the public Debts of the Colony

"Ordered

"That M^r Emley and M^r James Smith do carry the said
 "Bill and Amendment back to the Council, and acquaint
 "them with the above resolves"

SAM^l SMITH Cl^k

Which Bill and Message he had received from them this
 House not Sitting at the time, and delivered the same in at
 the table

This House taking into Consideration the Message of the
 House of Assembly of Yesterday by M^r Emley & M^r Smith,
 together with the amendment made by this House to the Bill
 Entituled, An Act to Enable the Legislature to Settle the
 Quotas of the Several Counties in this Colony in order for
 Levying of Taxes from time to time as occasion may require
 for payment of the Publick Debts for Support of Govern-
 ment, and defraying the Contingent Charges thereof; came
 to the following Resolutions—

Resolved, Nemine Contradicente, that this House doth
 Adhere to the said amendment

Resolved, Nemine Contradicente, that this House hath a
 right to make that amendment, and that the assertion of the
 House of Assembly, in alledging that it is an infringement
 on the Rights and Priviledges of their house and the People

they represent for the Council to Prescribe Ways and Means how Money should be raised on the Good People of this Province for the Support of Government, and Paying the Publick Debts of the Colony, is Groundless and without the least foundation; this House having made no Such attempt, but on the contrary, have only regulated their Conduct agreeable to His Majesty's Instruction, and according to what they Conceive to be their Duty, and is no way an infringement upon the Priviledges of the House of Assembly, or the liberties of the People.

Ordered, that M^r Smith do Carry back to the House of Assembly the said Bill with the amendment made thereto by this House together with the above Resolutions.

The House Continued till

Saturday 24th February 1749/50

The House Met,

Present

| | | |
|--|----------------|--------------------|
| The Hon ^{ble} James Alexander | John Coxe | } Esq ^r |
| John Rodman | Thomas Leonard | |
| Rich ^d Smith | Richard Saltar | |

M^r Smith reported that he had obeyed the Order of Yesterday

The House Continued till

Monday, the 26th February 1749/50.

The House Met

Present

| | | |
|--|---------------------------|--------------------|
| The Hon ^{ble} James Alexander | Thom ^s Leonard | } Esq ^r |
| John Rodman | | |
| Richard Smith | Richard Saltar | |

A Message from the House of Assembly, in the words following, Viz^t

"Ordered, that M^r Crane and M^r Leaming do wait upon
 "the Council and desire to know if they have any thing
 "before them for the Consideration of this House, and Ac-
 "quaint Them, that if they have not, this House Designs
 "Soon to apply to His Excellency to Dismiss them."
 "House of Representatives } "SAM^l SMITH Clk"
 "the 26th February 1749 }

In answer to the Message of the House of Representatives
 of this Day, Desiring to know if this House has any thing
 before it for the Consideration of that House &c

Ordered that M^r Leonard do acquaint the House of Repre-
 sentatives that this House had thoughts of making some
 remarks to the Assembly on their Address to His Excellency ;
 believing that some things therein Concerning this House
 are Groundless. But we decline it, thinking it a pity that
 the Country should be put to the Charge of the Sitting of the
 Legislature, any time for that Purpose, Especially considering
 that the Answers last Sitting at Perth Amboy to a like
 Charge there appearing by the Minutes of both Houses at
 that time may be a full answer. And therefore this House
 will not object to the application mentioned in the said
 Message.

The House Continued till,

Tuesday, 27th February 1749/50.

The House Met,

Present,

| | | |
|---|--------------------------|--------------------|
| The Hon ^{ble} Jam ^s Alexander | Tho ^s Leonard | } Esq ⁿ |
| John Rodman | | |
| Richard Smith | Richard Saltar | |

The House Cont till four o'clock P. M. present as before
 wth M^r Coxe

The General Assembly was Prorogued till Thursday March
 29th 1750.

At a Council held at Burlington in and for the Province of New Jersey, on Friday the Sixteenth day of February Anno Dom : 1749.

Present

His Excellency Jonathan Belcher Esq^r

| | | |
|-------------------------------------|----------------|--------------------|
| The Hon ^{ble} John Reading | Thomas Leonard | } Esq ⁿ |
| James Alexander | | |
| John Coxe | Richard Salter | |

A Petition signed by a large Number of Persons of the Presbyterian persuasion residing within the County of Monmouth praying His Majesty's Grant of an Incorporation to the Petitioners by the Name of the Trustees of the Presbyterian Church of Monmouth County with such power and priviledges as may be thought proper was laid before this Board & Read.

Ordered.

The prayer in the said petition be Granted and that the Attorney General prepare a Draught of a Charter pursuant to the prayer of the Petitioners and lay it before His Excellency and Council with all Expedition.

At a Council held at Burlington on Wednesday February 21^o Anno Dom : 1749.

Present.

His Excellency the Governor.

| | | |
|--|----------------|--------------------|
| The Hon ^{ble} James Alexander | John Coxe | } Esq ⁿ |
| John Rodman | Thomas Leonard | |
| Richard Smith | Richard Salter | |

His Excellency laid before the Board a Message he had received from the House of Assembly by M^r Leaming and M^r Camp and desired the advice of this Board thereon.

Which Message is as follows.

"Ordered.

"That M^r Leaming and M^r Camp do wait on His Excellency and acquaint him that some of the Freeholders of the County of Burlington on the 20th day of this Instant, preferr'd to this House a Petition setting forth that the Justices and Freeholders of the said County pursuant to adjournment met on the 1st day of August last at the City of Burlington and agreed to raise on the said County, the Sum of Sixty pounds at which time also the said Justice without the Consent of the Major part of the Freeholders Ordered the Sum of ten pounds fifteen shillings towards paying the late Coroners Inquests Wherefore the Petitioners desired they might be called to Account to shew by what Authority they disbursed Money for the purpose aforesaid Whereupon the House ordered that the parties complained of to attend on the 24: of this Instant when it appeared that Robert Smith Joseph Scattergood, Revell Elton Thomas Shinn and Nathaniel Thomas Esq^r were the Justices complained of all which appeared except Thomas Shinn who was Sick and upon a full hearing of the parties the above Facts alledged in the said Petition appeared to be true, Wherefore the House desired to be informed of those Justices by what authority they Acted in applying the Money aforesaid to which they replied the Legallity of their Conduct would depend on the Exposition of Several Acts of Assembly the first of which is Entituled *An Act for raising of Money for Building and repairing Gaols and Court Houses within each respective County of this Province.* The Second An Act Entituled *An Act for the amending of the Laws relating to High Ways and Bridges for Explaining certain Clauses in several former Acts concerning the power of the Justices and Freeholders therein mentioned and for directing the Method of raising of Money to pay for the Bridge last built over South River.* In which there is an Explanatory clause particularly Calculated for removing all doubts and Mistructions relating to the power of the Justices and Free-

"holders in each respective County about raising and apply-
 "ing the public Money—And the third & last An Act
 "Entituled *An Act to Impower the Freeholders Chosen in*
 "*each County of this Colony or the Major part of them in*
 "*Conjunction with three Justices of the Peace to direct the*
 "*Method of assessing the Inhabitants of each County and to*
 "*restrain the unnecessary meetings of said Freeholders All*
 "which said Acts together with Sundry others being duly
 "Considered by the House they were Unanimously of
 "Opinion the said Justices Conduct was Illegal not only
 "because they have Acted without the Consent of the
 "Majority of the Freeholders in applying y^e Money afore-
 "said contrary to the directions of the said Acts but also
 "because they had applied it to a Use which by Law they
 "were not warranted to do—Therefore the House thought
 "it incumbent on them to insist upon the said Justices
 "to promise they would Act more agreeable to Law for the
 "future which after some time of Consideration two of them
 "(to wit) Revel Elton and Nathaniel Thomas promised to
 "do Whereupon they were dismissed paying their Fees but
 "the Answers of Robert Smith & Joseph Scattergood not
 "being Satisfactory but on the Contrary Artful and Evasive
 "and upon which no Solid assurance could be founded that
 "they would Act more agreeable to Law for the Future in
 "the Matter complained of than they have hitherto done,
 "The House therefore from a tender regard for the welfare
 "of the Inhabitants of this Colony and resolving as much
 "as in them lyes to transmit the Rights and priviledges with
 "which they have the Honour to be Entrusted Free and
 "Sacred to posterity do look upon themselves indispensably
 "obliged to declare that the said Application so made with-
 "out any Warrant of Law and without the Consent of the
 "Majority of the Freeholders is Arbitrary and illegal directly
 "tending to the aggrieving His Majestys Subjects in this
 "County in particular and in it's Consequences (without
 "effectual and timely interposition) may also Greatly affect

“the people in General by depriving them of their Vote by
“the Freeholders in raising and applying such of the publick Money as by Several Acts of General assembly the
“Freeholders chosen in each respective County or a Majority
“of them in Conjunction with three Justices of the Peace
“are Impowered to do an attempt to deprive y^e people of a
“Voice in the disposition of their own Money is not only a
“high insult upon reason but also directly repugnant to the
“Right of a British Subject and by all means to be Suppress’d
“in its first appearance least it should become a Growing Evil
“and in time end in the Total Subversion of this Invaluable
“priviledge; The danger of which may be gathered from a
“Consideration that if the Justices in each respective County
“of this Colony can raise Money for the publick Uses upon
“the Inhabitants thereof without the Consent of the Major
“part of the Freeholders Contrary to Law those Gentlemen
“may in time set up so many distint Legislative powers for
“raising of Money upon the Subject without their Consent
“and may also by the Same unlimited Authority apply such
“Money so raised to such purposes as they shall think fit
“which unwarrantable proceedings if admitted of would
“Naturally tend to abridge the Authority of the Legislative
“power of this Colony, and in time might become dangerous
“to His Majesty’s Prerogative and the Welfare of his good
“Subjects in this Colony: for all which reasons and because
“the said Robert Smith and Joseph Scattergood have not
“given Sufficient assurance of their Acting more agreeable
“to Law for the Future in the matter complained of against
“them the House desires your Excellency will be pleased to
“remove them the said Robert Smith and Joseph Scattergood
“from the Commission of the Peace to prevent such further
“illegal proceedings as they may otherwise Commit; and to
“the End others may be deterr’d from Committing the like
“for the future.

By Order of the House

SAM^l SMITH Clk

At a Council held at Burlington on Wednesday 28 : February Anno Dom, 1749./50

Present

His Excellency the Governor

| | | |
|-------------------------------------|----------------|--------------------|
| The Hon ^{ble} John Reading | Thomas Leonard | } Esq ^r |
| James Alexander | | |
| John Coxe | Richard Saltar | |

Ordered

That M^r Coxe and M^r Saltar do Inspect the Journals of the House of Assembly and get Copys of so much thereof as relates to the affair of the Justices and Freeholders of Burlington County.

M^r Coxe and M^r Saltar reported that they had obtained the said Copies.

Ordered

That the Clerk of this Board do give Notice to the said Justices that they attend this Board which he having done Revell Elton Robert Smith Joseph Scattergood and Nathaniel Thomas Esq^r the Justices Committed by the House of Assembly attended and deposed as follows.

“ Burlington as :

“ Joseph Scattergood of the City of Burlington being one
 “ of the people called Quakers on his Solemn affirmation
 “ which he took according to Law did declare that he this
 “ affirmant being Served with an Order of the House of
 “ Representatives for the Province of New Jersey to attend
 “ that House as one of the Justices of the Peace for the
 “ County of Burlington on Saturday the twenty fourth day
 “ of February Instant at Nine O’Clock in the Morning
 “ attended accordingly with Revell Elton Robert Smith and
 “ Nathaniel Thomas Esq^r Justices of the said County who
 “ had likewise been Summoned to attend at the same time ;
 “ That upon this affirmant and the other Justices appearing a
 “ petition from some of the Freeholders of the said County

“(a true Copy whereof signed by the Clerk of that House
“being hereunto annexed) was read to them That thereupon
“this affirmant in defence of himself and the other Justices
“above named alledged that the Ten pounds fifteen shillings
“in the said petition named was ordered to be paid by a
“Majority of the Freeholders present at the Board of Justices
“and Freeholders present last and set forth that fourteen
“Freeholders being present Seven of them voted for the pay-
“ment of the said Money and that five Justices being present
“all of them concurr’d that five Freeholders Voted in the
“Negative and two others did not give any Vote which this
“affirmant looked upon as an Indication of Consent to the
“payment That this affirmant further in his defence said
“that whether the Number of Seven Votes in the affirmative
“and the assent of the two who were Silent were a Sufficient
“Majority to make an Order of that Board or not he humbly
“conceived was a Matter of Law which himself & his Breth-
“eren the Justices as the proper Judges of that Board had a
“right to determine that if they have Erred in a point of
“Judgment they were not meerly for that answerable either
“to the King or to the people that he humbly hoped that
“Honourable House being but one Branch of the Legislature
“would not take Cognizance of the matter nor take upon
“them the Construction of Acts of Assembly. Upon which
“the Honourable Samuel Nevill Esq^r Speaker of that House
“declared to the Freeholders Complainants that the Majority
“of Votes for the Payment of the Money before mentioned
“were not such a Majority as the Several Acts of Assembly
“of the Province of New Jersey intended and that if at any
“time a Majority of the Freeholders chosen for the County
“agreed to the doing anything which by Law they had a
“right to do and that if three Justices would not Concurr
“therewith that the same Justices would be laid under a Rule
“(or be called upon to show cause why they refused to Con-
“curr upon which this affirmant saith that the parties were
“ordered to withdraw and being called into the House again
“in the afternoon the Clerk by Order of the Speaker read

"the following proceedings and resolve of that House ss:
 "according to the Order of the day the House proceeded to the
 "affair between the Justices and Freeholders of the County of
 "Burlington and the parties Concerned attending were fully
 "heard on both Sides the said Justices in their own Vindica-
 "tion and the parties against them after which they were
 "ordered to withdraw and then the House taking the Same
 "into Consideration the Question was put whether the said
 "Justices Conduct in proceeding to apply part of the Money
 "raised on the said County without the Consent of the
 "Majority of the Freeholders Chosen for the said County
 "be illegal or not and it was Carried in the affirma-
 "tive Nemine Contradecente Resolved Nemine Contradecente
 "that it is the Opinion of this House that none of the
 "Boards of Justices and Freeholders in this Colony have
 "any Right, either to raise Money on the Inhabitants
 "or apply it after it is raised without the apparent
 "Authority and directions of some known Law and that it is
 "a Grievance where they Act without the said Authority.
 "Whereupon the Speaker told this affirmant and his Bretheren
 "the other Justices that it was the Opinion of the Legislative
 "Body of the Province that they had Acted contrary to Law
 "in Ordering the payment of the Money for Fees to the late
 "Coroner and that it was a Grievance but as that House were
 "tender of the Justices Supposing they Acted by Mistake
 "therefore that House expected that the said Justices would
 "promise to that House that for the Future they would Act
 "more agreeable to Law and required the Answer of this affirm-
 "ant and the other Justices thereto upon which this affirmant
 "saith he gave his answer that he Conceived he had Acted alto-
 "gether agreeable to Law and that he could not promise that
 "Honourable House to Act otherwise but this answer not being
 "Satisfactory this affirmant saith he was Ordered to attend
 "that House again on Monday the twenty sixth Instant at
 "ten O'Clock at which time he again attended and the
 "Speaker requiring his Answer he delivered his answer in
 "the following words ss: *To the Honourable the House of*

"Representatives for the Province of New Jersey. The Answer of Joseph Scattergood one of the Justices of the Peace &c for the County of Burlington This respondent for the Short time he has had the Honour to be in the Commission of the Peace for the County aforesaid humbly is of Opinion that both as to matters of Law and of Fact as they have occasionally Occurr'd to him in the Execution of his Office he hath behaved uprightly according to the best of his Judgment and hath the Answer of a good Conscience therein and he Conceives that he cannot without Manifest Violation and Insult to his understanding make any Promises to this Honourable House to Perform his duty better for the future otherwise than as his knowledge in the Law shall be Enlarged Jos Scattergood February 26 : 1749. Whereupon this affirmant saith he was ordered to withdraw and being again called in was told by the Speaker that his Answer was not Satisfactory but that however he was discharged from further attending that House on paying his proportionable Part of the Fees to the Serjeant at Arms for Summoning himself and the other Justices & Freeholders to attend that House and that the House required his Answer whether he intended to pay the Same Upon which this Affirmant saith that he told the Speaker that he did not propose to pay the Serjeant any Fees on which he was again ordered to withdraw and this affirmant further Saith that in a Short time after he was taken into Custody of the Serjeant at Arms by an Order of that House in the following Words as : In the House of Representatives Feby 26 : 1749/50. Ordered that the Serjeant at Arms do forthwith take Robert Smith and Joseph Scattergood Esqrs into Custody till they pay him five Shillings each for Summoning them and the Freeholders before this House together with what other Customary Fees shall accrue By Order of the House Saml Smith Clk Upon which this Affirmant Saith that looking upon himself aggrieved drew up a Writ of Habeas Corpus in Order to be Bailed and got Joseph Hollingshead Esq^r and John Deacon to lay the Same with a Copy of his Commitment before the

"Honourable Samuel Nevill Esq^r one of the Justices of the
 "Supreme Court for the Province of New Jersey af^d and to
 "request his allowance thereof and this affirmant saith that
 "the said Joseph Hollinshead informed this affirmant that
 "he had laid the said Writ of Habeas Corpus before the said
 "Justice with a Copy of the s^d Commitment and that the
 "said Justice told him the said Hollinshead *that this affirm-*
ant knew better than to offer anything of that kind to him.
 "Whereupon this affirmant saith y^t he applied by his
 "Friends to the Honourable Charles Read Esq^r one other
 "of the Justices of the said Supreme Court for the allow-
 "ance of his Writ of Habeas Corpus who allowed thereof
 "and this affirmant further Saith that after his Writ of
 "Habeas Corpus was allowed and Sealed (to wit) on the said
 "twenty sixth day of February Instant he delivered the said
 "Writ to Thomas Wetherill jun^r one of the Serjeants at
 "Arms to the said General assembly in whose Custody this
 "affirmant then was confined and requested him to remove
 "him this affirmant before the said Charles Read to be Bailed
 "and this affirmant saith that he had Several able Freehold-
 "ers present who offered to become his Bail but that the said
 "Serjeant told this affirmant that he should not obey the said
 "Writ till he had taken advice And this affirmant Saith that
 "the said Serjeant came no more to him until the Next
 "Morning at which time he took this affirmant before the
 "Honb^{le} Charles Read Esq^r with the said Writ & Copy of the
 "Commitment who took time to consider thereof until four
 "O'Clock in the afternoon at which time the General as-
 "sembly of the said Province was prorogued and this affirm-
 "ant was of Course discharged from his Imprisonment and
 "further this affirmant saith not.

"Affirmed at Burlington this }
 "twenty eighth day of February } Jo SCATTERGOOD.
 "Anno: Dom. 1749

Before His Majestys Council
 CHA^s READ Clk Con.

"Robert Smith Esq^r one of the Justices of the Peace for
 "the County of Burlington being of the people called
 "Quakers on his Solemn affirmation which he took accord-
 "ing to Law did declare that he hath perused the foregoing
 "affidavit of Joseph Scattergood Esq^r and that he verily
 "believes the Several Facts therein contained are true and
 "that this affirmants Answer to the General assembly is
 "contained in Writing in the following Words as: As I
 "always have Acted Consistent with the Laws of the Prov-
 "ince (so far as I was Capable of Judging) so I intend to do
 "for the future And further saith not

ROB^t SMITH.

"Affirmed at Burlington this }
 "twenty eighth day of February }
 "Anno Dom MDCCXLIX.

Before His Majestys Council
 CHA^s READ Clk Con^l

"Revell Elton and Nathaniel Thomas Esq^s Justices of
 "the Peace for the County of Burlington being duly Sworn
 "on the Holy Evangelists of Almighty God did depose that
 "they have perused the foregoing Affidavits of Joseph Scattergood and Robert Smith Esq^s and that they verily believe the Several Facts therein contained are true And further say not.

Sworn at Burlington this }
 twenty eighth day of February }
 Anno Dom. MDCCXLIX.

REVELL ELTON
 NATH^l THOMAS

Before His Majestys Council
 CHA^s READ Clk Con.

Which Copy of the Petition to the House of Assembly
 from Some of the Freeholders chosen for the County of
 Burlington annexed to the foregoing affidavits is in the
 words following Viz^t

"To the Honourable House of Representatives now Con-
 "ven'd of the City of Burlington. The Humble petition of

"part of the Freeholders of the County of Burlington,
 "Humbly sheweth that the Justices and Freeholders by
 "adjournment from the tenth of May last to the first day of
 "August next following met at the City of Burlington and
 "then and there did raise on the said County the Sum of
 "Sixty pounds and at the same Instance of time the Justices
 "without the Consent of the Major part of the Freeholders
 "aforesaid did agree to and Order the Sum of ten pounds
 "fifteen Shillings towards paying of the late Coroners In-
 "quests have been taken Several years past Therefore your
 "Petitioners abovesaid do hereby Sincerely desire that the
 "House aforesaid will please to call those Gentlemen to
 "an Account in Order to shew by what Authority or
 "what Law Enabled them to Act or disburse Money to
 "the use above Written—Further your Petitioners humbly
 "sheweth that the Freeholders at the times above mentioned
 "did request the Commissioners of the Loan Office (Viz)
 "Robert Smith Joseph Scattergood and Joshua Wright to
 "lay the Money before us which ought to have [been] Sunk
 "in the year aforesaid but they did refuse. We did also
 "desire them to bring the Books and lay them before us but
 "they would not Comply &

| | |
|--------------------|--------------------------------|
| "ANTHO. WOODWARD | A True Copy Ex ^d by |
| "BENJAMIN TALMAN | SAM ^l SMITH Clk. |
| "THOMAS MIDDLETON | |
| "GEORGE MIDDLETON | MICHAEL NEWBOULD |
| "BAZILLAI NEWBOULD | JOHN STEWARD |

"12 M^o 1749.

"And which Copy of the Minutes of the House of Assem-
 "bly relating to the Affair between some of the Justices and
 "Freeholders of Burlington County are as follows Viz^t

"Tuesday Feb^r 20: 1749.

"A Petition was presented to the House from some of the
 "Freeholders chosen for the County of Burlington setting
 "forth that at a Meeting of the Justices and Freeholders

"held for the said County the first day of August last the
 "said Justices without the Consent of the Major part of the
 "Freeholders aforesaid did agree to and order the Sum of
 "£10 ,, 15 ,, towards paying of the late Coroners Inquests and
 "praying they may be called to an Account to Show by what
 "Authority they Acted And further the said petition sets forth
 "that the petitioners at the time above mentioned did request
 "the Commissioners of the Loan Office for said County to lay
 "the Money before them which ought to have been Sunk in
 "the year aforesaid but they refused and further that the
 "said Commissioners also refused to lay the Books before them
 "the said Freeholders Which said petition was read and
 "ordered a second Reading.

"February 21st 1749.

"The Petition from Some of the Freeholders chosen for
 "the County of Burlington was read the Second time
 "Ordered that the Serjeant at Arms do give Notice To
 "Revell Elton Thomas Shinn Nathaniel Thomas Robert
 "Smith and Joseph Scattergood Esq^r Justices of the Peace
 "and James Wills Henry Paxson Joshua Raper John Bacon
 "James Eldridge and William Foster Freeholders to attend
 "this House on Saturday the 24 of this Instant at 9 O'Clock
 "in the Morning to Answer what may be alledged against
 "them by Antho : Woodward, Benj^d Talman Thomas Mid-
 "dleton George Middleton Michael Newbold Barzillai New-
 "bould and John Stewart Freeholders which said parties are
 "likewise Ordered to attend in Support of the Several Com-
 "plaints in their Petition contained to this House.

"Saturday Feb^r 24 : 1749.

"According to the Order of the day the House proceeded
 "to the affair between the Justices and Freeholders of the
 "County of Burlington and the parties concerned attending
 "were fully heard on both sides the said Justices in their own
 "Vindication and the parties against them after which they
 "were ordered to withdraw and then the House taking the

"same into Consideration the Question was put whether the
 "said Justices Conduct in proceeding to apply part of the
 "Money raised on the said County without the Consent of
 "the Majority of the Freeholders chosen for the said County
 "be illegal or not and it was carried in the affirmative
 "Nemine Contradicente.

"In the afternoon

"The House resuming the Consideration of the affair
 "depending between the Justices and Freeholders of Bur-
 "lington County Resolved Nemine Contradicente that it is
 "the Opinion of this House that none of the Boards of
 "Justices in this Colony have any Right either to raise
 "Money on the Inhabitants or to apply it after it is raised
 "without the apparent Authority and directions of some
 "known Law, and that it is a Grievance where they Act
 "without the said Authority.

The Several Justices of Burlington County complained
 against were called in & the resolutions of the House were
 read to them after which M^r Speaker informed them that the
 House desired to know as it appears they have Acted contrary
 to Law what they had to say why the House should not pro-
 ceed to further redress this Grievance, and they declaring
 that they Acted according to the best of their Judgment and
 not in any Contempt they were ordered to withdraw being
 called in again M^r Speaker acquainted them that the House
 Expects that they will promise to Act more agreeable to Law
 for the future and the answers of all of them not being Sat-
 isfactory the further Consideration thereof is referred till
 Monday Morning Next at 10 O'Clock when the said Justices
 are ordered to attend again.

February 26. 1749

The Several Justices of Burlington County attending were
 called in and M^r Speaker acquainted them that the House
 Expected a peremptory and direct Answer to the Question
 put to them on Saturday last Viz^t whether they will promise

to Endeavour to Act more agreeable to the Law for the future, and the Answers of Revell Elton & Nathaniel Thomas Esq^m being Satisfactory to the House they were dismiss'd paying their Share of the Fees M^r Speaker then acquainted Robert Smith & Joseph Scattergood Esq^m that their Answers were not Satisfactory, and then they were ordered to withdraw.

In the afternoon.

The House resuming the Consideration of the affair concerning Robert Smith & Joseph Scattergood Esq^m on a Motion made that they be called in and that M^r Speaker do Speak to them as follows.

| Yeas. | Yeas | Nay |
|-----------------------|--------------------------------|----------------|
| J. Smith | J : Camp | Joshua Bispham |
| J. Witherill | J. V ^a Middlesworth | |
| J. Eaton | H : Fisher | |
| R. Lawrence | L. V ^a Buskirk | |
| J. Crane | Der ^k Dye. | |
| Will Cooke | | |
| J. Hinchman | | |
| W ^m Mickle | | |
| A. Leaming | | |
| J : Spicer | | |
| W : Mott | | |
| J : Emley. | | |

Gentlemen.

I am Ordered by this House to acquaint you that as you have given the House no assurances of your Acting more agreeable to Law for the future you have put them under the Necessity of taking such Measures against you as Law & Custom have pointed out ; in Order to Guard against your future misconstruction of the Law and you are discharged from further attendance on this House at this time upon paying your Fees to the Serjeant at Arms and the House Expects

that you will inform them whether you intend to do it or not; if not you will be Committed by Order of the House to the Custody of the Serjeant.

And the said Justices being called in and M^r Speaker having delivered to them what he had in Charge they answered that they did not Intend to pay the Serjeants Fees and then a Motion being made that the said Justices be forthwith Committed to the Custody of the Serjeant at Arms and the Question put, It was Carried in the affirmative.

| Yeas | Nays |
|--------------------------|----------------|
| J: Smith | Joshua Bispham |
| J: Wetherill | James Hinchman |
| J: Eaton | |
| R. Lawrence | |
| J: Crane | |
| J: Camp | |
| J: Van Middleswarth | |
| Hend: Fisher | |
| L. Van Buskirk | |
| Der: Dye | |
| Will ^m Cooke | |
| Will ^m Michle | |
| A. Leaming | |
| J: Spicer | |
| W: Mott | |
| J. Emley | |

Ordered

That the Serjeant at Arms do forthwith take Robert Smith and Joseph Scattergood Esq^m into Custody till they pay him five Shillings each for Summoning them and the Freeholders before this House together with what other Customary Fees shall accrue.

a true Copy Examined by
SAM^l SMITH Clk.

Feb^y 26 : 1749.

The Serjeant at Arms informed the House that Revell Elton and Nathaniel Thomas Esq^m refused paying him his Fees and the House taking the same into Consideration the said Justices were called in and they persisting in their refusal they were ordered to withdraw and on the Question whether the said Justices be Committed or not It was Carried in the affirmative.

Yeas & Nays as before

Ordered

That the Serjeant at Arms do take Revell Elton and Nathaniel Thomas Esq^m into Custody till they pay him five Shillings each for Summoning them and the Freeholders before this House together with what other Accustomary Fees shall accrue.

a True Copy from the Minutes

Examined by

SAM^l SMITH Clk

Ordered

That M^r Coxe and M^r Saltar do wait on His Excellency and desire to know when he will please to receive the Council's advice concerning the Removal of Robert Smith & Joseph [Scattergood] Esq^m from the Commission of the peace for the County of Burlington.

At a Council held at Burlington on Thursday the first day of March Anno Dom : 1749./50

Present

His Excellency the Governor

| | |
|-------------------------------------|--------------------|
| The Hon ^{ble} John Reading | } Esq ^m |
| James Alexander | |
| John Coxe | |
| Thomas Leonard | |
| Richard Saltar | |

M^r Coxe and M^r Saltar reported that they had obeyed the Order of Yesterday and that His Excellency was pleased to

say he would be ready to receive the advice of this Board at Eleven O'Clock this day

Then the Council waited on His Excellency and delivered their advice in these Words Viz^t

To His Excellency Jonathan Belcher Esq^r Captain General and Governor in Chief of the Province of New Jersey and Territories thereon depending in America, Chancellor & Vice Admiral in the same &c

May it please your Excellency

In Obedience to your Excellency's Order in Council of the twenty seventh day of February last referring to us His Majesty's Council for the said province the Message of the House of Representatives to your Excellency of that day requesting that Robert Smith & Joseph Scattergoods Esq^{rs} two of His Majestys Justices of the peace for the County of Burlington may be removed from their said offices and requiring our Opinion and advice on the Subject matter of the said Message.

We beg leave humbly to represent to your Excellency that we Ordered two of our Members to Inspect the Journals of the House of Assembly and to get Copies of so much thereof as concerned this affair to be laid before us which Copies are hereunto annexed Also we called before us the said Robert Smith and Joseph Scattergood together with Revell Elton and Nathaniel Thomas Esq^{rs} being the four Justices of the peace Committed by the House of Assembly as in their said Minutes is set forth & took their depositions concerning this Matter which Depositions are also hereunto annexed.

By which Journals and Depositions it appears to us that the House of Assembly have assumed upon themselves an Authority to call the said Magistrates to an Account before them concerning the Construction they had put on Sundry Acts of assembly of this province in the Execution of their Offices—have taken upon themselves a power to declare the meaning of those Acts to be Contrary to what the said

Justices had in the duty of their Offices determined and have also adjudged the proceedings before the said Justices to be illegal and have accordingly Censured those Magistrates for the same and Imprisoned them because they would not promise for the future to Construe those Acts agreeable to the Opinion of the House of Assembly & because they would not agree to pay a Sum assessed upon each of them by the said House of Assembly together with all Customary Fees.

The facts appearing thus, we are humbly of opinion and our Sentiments are that neither your Excellency nor the Council nor the House of Assembly as Separate Branches of the Legislature have any Right power or Authority whatsoever to call any Magistrates of this province (to whom the Execution of any Laws is Committed) to an Account of the Construction that they shall put upon them even if they Erred in that Construction nor to declare the meaning of any Laws to the contrary to the Exposition which the said Justices shall make thereof nor to Judge of and determine concerning the proceedings of the said Magistrates nor to declare or make those proceedings illegal or Void how erroneous soever they may happen to be nor to Censure any Magistrates for what he has bona fide done in the Execution of his Office; nor to Imprison his person for nonpayment of any Sum or Sums of Money that any of them shall presume to assess and Impose upon him for Non Obedience of their pretended Orders For had the Branches of the Legislature as such Severally a right to hear try and determine the Points aforesaid they might very innocently all differ in Opinion and give Several & repugnant Judgments in the matter which is an absurdity in itself and for that His Majesty's Courts of Justice have the Sole right to hear try and determine the same and they and His Majesty in the last report¹ have the right to Redress Errors if any be therein Committed and all pretences of either of the Branches of the Legislature to the Contrary are Attacks & Infringements on each other rights and priviledges, and Usurpations of His Majesty's Authority and of most per-

¹ Resort.

nicious and dangerous tendency. But we would not have your Excellency understand that we have the least Intention to deprive the House of Assembly as one Branch of the Legislature from their Just and Natural Right of Inquiring into Grievances and representing them in a proper manner to your Excellency and of proposing and Concurring in any Acts Necessary for the Explanation of any former doubtful Laws: But for that House to assume upon themselves a power to Censure Imprison and tax the Subject for differing in Sentiments with them they by so doing Usurp and take upon themselves an Arbitrary and unwarrantable power And is Engrossing into their own hands as well the Executive as Legislative parts of Government. And we are Sorry to say that the Words *Legislative Body* appearing by the Depositions aforesaid to have been used by the Speaker of the Assembly in Censuring the said Justices before so great an auditory gives great room to apprehend that the House are Grasping at an Authority which by the Constitution is lodged in the Governor Council and assembly and not in any one Branch alone and has a tendency to Withdraw that respect w^{ch} the people owe to their Legal Magistrates and to lessen their Authority greatly in their Eyes and does tend to instill an Opinion into the people of the great power of the House of Assembly and to bring the other Branches of the Legislature into Contempt.

Upon the whole we humbly advise your Excellency not to remove the said Robert Smith and Joseph Scattergood from their Offices aforesaid.

We are
Your Excell^{ty}'s most Obed^t
& most humble Servants

JOHN READING
JAMES ALEXANDER
JOHN COXE
THOMAS LEONARD
RICHARD SALTAR

Council Chamber }
March 1: 1749/50 }

Pursuant to Several Adjournments¹ of the General Assembly of the Province of New Jersey His Majesty's Council Met at Burlington on

Monday 28th January 1750.

Present

| | |
|--------------------------|------------------------|
| M ^r Alexander | M ^r Leonard |
| M ^r Rodman | M ^r Saltar |

The Gen^l Assembly Prorogued till Tuesday 29th

Present

| | |
|--------------------------|------------------------|
| M ^r Reading | M ^r Leonard |
| M ^r Alexander | |
| M ^r Rodman | M ^r Saltar |

His Excellency Came into Council And Having by the Secretary Commanded the Attendance of the House of Assembly the Speaker with the House Attended when his Excell^y made the following Speech to both Houses

Gentlemen of the Council & of the General Assembly

It is with much Concern that I find myself Obligated to observe to you, that Your Difference in opinion, as to the way & manner of Levying a Tax for Support of the Government, and which has so long Subsisted is not only productive of Injustice and Oppression to all that have Demands on the Province, but must in the End bring a Train of bad Consequences upon the whole People.

In Duty to the King, and from a just Regard to the good People of the Province, I have not failed to Convene you in

¹ The General Assembly, at its last meeting, February 27th, 1749-50, was prorogued till March 29th, 1750, on which day it does not appear to have met. The Governor, in his address on the following page, complains that he has "once and again" called a meeting of the Assembly, but that "for near eighteen months past no provision has been made for the necessary support of the Government." Of these meetings there is no note, except in the words "Pursuant to several adjournments."

General Assembly once and again, to Consider the state of the Publick Affairs ; But for near Eighteen months past, no Provision has been made for the Necessary Support of the Government, and for the payment of the publick Debts; such sort of Management I am afraid, will be thought by our superiours, to carry the Completion of undutifulness to his Majesty, and of neglect and Disregard to the good people under our care ; for the still keeping of the Treasury empty must of Course bring great Difficulties upon the Kings Government, and greater Distress upon the Province, as the Debt will grow heavier.

I therefore hope Gentlemen (as this is a leasure season) you will set with Patience, and [with] Close Attention Consider these Things, and so agree among yourselves as to fall into wise and prudent Measures for obviating the present Difficulty and for preventing anything of the like Nature for the future, And you may Depend on my Concurring with you in every thing in my power for Advancing his Majesty's Service and Honour, and the good Order, Peace and Prosperity of the Province.

Gentlemen

Since our Last Meeting I have had the Honour of a Letter from the Right Honourable the Lords Commissioners for Trade & Plantation, desiring me to send them with all possible Dispatch, a Chart or Map of this his Majestys Province of New Jersey ; And this is also agreeable to the King's 75th Royal Instruction, directing me to Transmit a Map with the Description of His Majesty's whole Territory under my Government.

I have also lately received a Letter from his Excellency the Hon^{ble} M^r Clinton His Majesty's Governor of the Province of New York, acquainting me with his Intentions of Meeting those Tribes of Indians Called the six Nations, at the City of Albany sometime in the Month of June next ; and Desiring this Governm^t to become a Party at the intended Interview. His Majesty's Royal Instruction & the Letters I have mentioned, shall be laid before you.

To have the Province perambulated and Carefully Surveyed, and from Thence a Correct Map to be Drawn, delineating the several Boundaries, would doubtless be of great use and Advantage to the Government, as well as to the present and future Inhabitants of the Province; and in this Matter I more particularly referr you to the papers I have mentioned relating to it.

As to the affair of meeting the six Nations of Indians, nothing seems to me more reasonable than that all the Colonies, which may be, sooner or later annoyed and ravag'd by their barbarous Incursions, upon their Defection to the French, Should unite in the intended Treaty at Albany, and Chearfully Contribute their equitable Proportion of the Charge: But Governor Clinton's Letter sets this Matter in so just & Clear a Light that I shall only Add, in Case you sho'd Agree to the thing, I am ready to undertake the fatigue of such a journey for the service of the Province: or otherwise that it be Devolved on Commissioners Chosen and Appointed by the whole Legislature

Gentlemen of the General Assembly

If these things are entered upon, you are Sensible money must be Provided to Defray the Charge, and that is properly in Your Province to do.

Gentlemen of the Council & of the General Assembly

As often as I may have Occasion to speak to you in a Publick Manner, give me leave always to wish for Concord and Unity in your Deliberations, as the best Expedient for giving a good Dispatch to the Affairs of the Province.

Burlington January

J. BELCHER

29. 1750-1

The house Continued till

Thursday y^e 31. Jan^y

Present as above

The House Continued till

Friday y^e 1st February

Present as before

M^r Alexander acquainted this House that pursuant to the above Agreement of October 8th last, Sundry of the Members of the Council remained at Perth Amboy y^e day and the next, and on that 8th of October took the Affidavits of John Smith and John Dear and on the 9th of Oct^r took the Affidavit of Elizabeth Waller & Philip Kearney on the Matters by them to be Enquired into which Affidavits he Laid before this House—and the said four Affid^s being read the substance thereof appears to be as follows, Viz^t

The said John Smith by his said Affidavit says, That on the Saturday then last About noon he saw Simon Wycoff a horse back speaking to some body in the Goal of y^e City of Perth Amboy, That he knows the said Wycoff to be the same who was one of the first rank of the Rioters in July 1747 who broke open the said Goal & stands indicted for Treason for so doing, and gives his reasons, that an hour afterwards he saw s^d Wycoff standing at M^r Serjeants door looking at the Assembly men Coming out of the City Hall, and about two hours afterwards saw him a horse back in the Street near the City Hall, when he believes the said Wycoff was riding out of Town.

John Dear by his Affidavit aforesaid Says, he well knows Symon Wycoff & thinks for 20 years past That said Wycoff with Amos Roberts Edmund Bainbridge and one Anderson supposed Captains of the Rioters composed the first Rank of the rioters when they came up to break open the Goal of the City of Perth Amboy in July 1747 That on Saturday then last a little before noon he saw the said Wycoff Coming riding into Town about a quarter of an hour afterwards he saw the said Wycoff a horse back at the Prison window in which the Prisoner Hoogland was then Confined where he staid some time & the Deponent believed Speaking to the said Hoogland

That about an hour after he saw the said Wycoff walking in the street and going into M^r Serjeants Door, which door is in sight of the City Hall where the Assembly then satt, That about three or four afternoon he saw said Wycoff a horse back as riding out of Town.

Elizabeth Waller wife of John Waller Goal keeper of the City of Perth Amboy by her Deposition aforesaid Saith, That on saturday then Last she saw a man a horse back speaking to the prisoner Hoogland at the Goal Window whom she was told was Symon Wycoff, That the same day, she over heard some discourse between Hoogland y^e prisoner and a Brother of his, but did not hear it all, nor very distinct, but she understood, they were first to petition the Governour and if that was not Effectual, they would take their own way, which she understood was that the rioters should come down and get him out and that he should be out some time the then next week Someway or other.

Philip Kearney Esq^r by his Deposition aforesaid, saith, that in summer before the then last, he with Doctor Johnston went with John Dear Sheriff of Middlesex to receive Possession on a Writ of Possession for Lands in Occupation of Hendrick Hoogland & when they Came Hoogland pretended he had a good right, whereupon the Deponent told him, if he would show any Deed or right he had from any person That the Deponent would waive the Judgment and permit him to Defend, But Hoogland declined shewing and Accepting the offer, That upon Seeing a Young woman in the House very Sick the Deponent & D^r Johnston talked together Concerning her and of the danger of her Life should she be then removed, Wherefore agreed to propose it to Hoogland to Delay Executing the Writ if he wo'd agree not to Destroy any more of the Timber and to Deliver possession at a future Time, and actually agreed with Hoogland, he desired such time as he shou'd take off his Crop then on the ground and that he might have till about October to remove and Leave to work up four or five Trees that he had Cut down & wou'd

cut down no more, which terms so requested were agreed to, and Execution Stay'd. That before the time agreed on for delivering Possession the Deponent was well informed that Hoogland had Cut down a great deal more Timber and was Determined to keep possession by force whereon this Deponent resolved to take a new Writ of Possession and publickly named a Certain Day for the Execution thereof; But before the Day some business called the Deponent to Philadelphia. That at Manleys Tavern in his way returning home, about two Miles from Hooglands The said Manley told this Deponent that two or three days before there had been a fine Frolick at Hoogland's for that Expecting the Deponent and D^r Johnston to be then there to take Possession, That day Hoogland, had got about one hundred of the Rioters to Defend him and that he had Killed a sheep and had got Rum & Cyder to Treat the rioters with, That he, manley had seen some of them, and told them such proceedings would never do, whereon they said Let Doct^r Johnston & M^r Kearney turn Hoogland out As soon as they please, we will turn them out and put Hoogland in Possession, again That he understood that Symon Wycoff was amongst them, who is looked upon to be a head man amongst them, The Deponent thereupon declined renewing y^e writ of possession but took out writts of Trespass against the said Hoogland & his son for Cutting their Timber, and recovered first, Judgment against the son, & afterwards against the Father, and the son taken in Execution and brought to Perth Amboy Goal, that said Wycoff he believes was on Saturday then last, at the Goal, Speaking to the said son, That Caleb Haviland of New Brunswick and his son told the Deponent That they had on Saturday last been in Company with Wycoff at New Brunswick when he told them, that they were resolved to Come down to Perth Amboy and take Doctor Johnston and the Deponent and Compell them to Discharge Hoogland the son out of Goal, That Hoogland the Father still Continues in Possession and pretends to hold the Premises by what they call the Club.

M^r Alexander laid also before this House an Affidavit of Tunis Speer, of Horse neck in the County of Essex taken the 24th of December last before John Ross Esq^r one of the Judges of Essex County, which Affidavit being read of Substance thereof appears to be, That the Father of the said Tunis in his Life time and the said Tunis since his Father's Death as his Heir being possess'd of between four & five hundred acres of Land at horse neck for upwards of twenty Years Last past by purchase from one of the Proprietors of East Jersey having also an Indian purchase for same Lands—About the first day of December then instant Frances Cook one of the Rioters Collectors came to the Deponent and informed him that he was rated to pay for the Lands aforesaid Eleven pounds three shillings towards Defraying of John Cundits going home to England and demanded payment thereof the Deponent then told the said Francis he never had promised the Rioters any money, nor wou'd he pay the Tax they had made—Whereupon said Francis told this Deponent that the Committee had agreed & Determined, that whoever did not pay their Assessments should be turned out of possessions and lose their Lands which he must expect If he did not pay his Rate.

The Preceeding five Depositions are now Left }
in the hands of the Secretary Clk of this House. }

Saturday the 2^d Feb^y

Present

| | |
|--------------------------|------------------------|
| M ^r Reading | M ^r Leonard |
| M ^r Alexander | |
| M ^r Rodman | M ^r Saltar |

Monday the 4th

Present as above

Tuesday the 5th

Present

| | |
|--------------------------|------------------------|
| M ^r Reading | M ^r Kemble |
| M ^r Alexander | |
| M ^r Rodman | M ^r Leonard |
| M ^r Johnston | M ^r Saltar |

M^r Smith & M^r Spicer from the House of Assembly Brought for the Concurrence of this House the Bill Entituled An Act to Revive an Act Entituled an Act for better Settling & regulating the Militia of this Colony of New Jersey, for the repelling Invasions & suppressing Insurrections and Rebellions, which Bill was Read and Ordered a second Reading

The House Continued till Wednesday the 6th

Present as above

M^r Fisher and M^r Emley from the House of Assembly brought for the Concurrence of this House the Bill Entituled an Act to Enable the Legislature to Settle the Quotas of the Several Counties in this Colony & which Bill was Read and Ordered a second Reading

The Bill Entituled an Act to Revive an Act Entituled an Act for better Settling and Regulating the Militia & was read a second Time and Committed to the Gentlemen of the Council or any three of them.

Thursday the 7th February 1750

Present

| | |
|--------------------------|------------------------|
| M ^r Alexander | M ^r Hude |
| M ^r Rodman | M ^r Kemble |
| M ^r Johnston | M ^r Leonard |

M^r Saltar from the Committee to whom the Bill Entituled an Act to Revive an Act Entituled an Act for better settling

& regulating the Militia &c was referred Reported that the Committee had gone thro' the same and Ordered him to report the same without Amendment.

Ordered that the same be read the Third Time

And on the Question

Resolved that the same do pass

Ordered that the Speaker do sign the same

Ordered that M^r Saltar do acquaint the House of Assembly that the said Bill passed this House this Day

The Bill Entituled an Act to Enable the Legislature to Settle the Quotas &c was read a second time and Committed to the Gentlemen of the Council or any three of them

M^r Saltar Reported that he had obeyed the above Order.

The House Continued till

Friday the 8th Feb^r

Present

M^r Reading

M^r Hude

M^r Alexander

M^r Kemble

M^r Rodman

M^r Leonard

M^r Johnston

M^r Saltar

M^r Leonard from the Committee to whom was referred the Bill Entituled an Act to Enable the Legislature to Settle the Quotas &c Reported that the Committee had gone through the same and had made one Amendment which he was ready to Report when the House shall be pleased to Receive the same.

Ordered that the Report be made immediately

Whereupon he read the Amendment in its place as follows.

Whereas by the Royal Instructions to His Excellency the Governor he is Directed in these words. "*Provided always that you do not Consent to any act or acts to Lay any Tax upon unprofitable Lands.*" It is hereby declared that nothing in this Act is meant or intended to break in upon the said Instruction or to Warrant the Assessors to put any unprofitable Lands into the said List or account of things to be Taxed.

Ordered that the said Amendment be read a second time
which said Amendment being read a second time

Ordered that the same be Engrossed.

The Bill Entitled an Act to Enable the Legislature to
Settle the Quotas & with the Engrossed Amendment being
read the third time—And the Question put

Resolved that the said Bill as Amended Do pass

Ordered that the Speaker do Sign the same

Ordered that M^r Leonard do Carry the said Bill with the
Amendment made thereto to the House of Assembly and
Desire the Concurrence of that House to the said Amend-
ment

P. M.

M^r Leonard Reported that he had obeyed the above Order

M^r Saltar Acquainted the House that M^r Cook & M^r Dey
from the House of Assembly had Delivered to him the Bill
Entitled an Act to Enable the Legislature to Settle the
Quotas &c together with the Amendment made thereto by
this House and also the Resolves of the House of Assembly
Concerning the said Amendment with the Order to them to
Deliver the same to this House which Bill Resolves & order
he had received from them this House not Sitting at the
Time and he delivered the same in at the Table and they are
as follows

Feb^r 8. 1750.

M^r Leonard brought from the Council the Bill Entituleled
An Act to Enable the Legislature to Settle the Quotas &c
with one Amendment which was read in its place and on the
Question

Resolved Nemine Contradicente That this House doth
reject the said Amendment and Adhere to the Bill

Resolved Nemine Contradicente That the Council have no
Right to amend said Bill and that it is an Infringement on
the rights & Priviledges of this House & the People We repre-
sent for the Council to prescribe ways and means how money

shall be raised on the good People of this Province for Support of Government and paying the Publick Debts of the Colony.

Ordered That M^r Cook and M^r Dey do Carry the said Bill and Amendment back to the Council and Acquaint them with the above Resolves

By Order of the House

SAM^l SMITH Clk

The House Continued till

Saturday y^e 9th Feb^r 1750

Present

M^r Reading
M^r Alexander
M^r Rodman
M^r Johnston

M^r Hude
M^r Kemble
M^r Leonard
M^r Saltar

The House having Considered the Message of the Assembly of Yesterday with the Bill Entituled an Act to Enable the Legislature to settle the Quotas &c and the Amendment of this House thereto and having Compared it with the message of the House of Assembly Concerning a like Bill & Amendment of the 6th of October Last found both in the same words Came thereon Unanimously to the following resolutions.

Resolved unanimously that this House doth Adhere to the s^d Amendment

Resolved unanimously that this House hath a Right to Amend the said Bill which right stands Confessed and Admitted by the Assembly by their Agreement to one of three Amendments made by this House to the first Bill of this kind as appears by the Minutes of Assembly of the 20th or 21st of January 1747.

Resolved unanimously that the further matter of the second Resolve of the Assembly is a most Injurious and Groundless insinuation against this House knowingly repeated after

the same had been refuted by the message of this House appearing in the Minutes of the Assembly of Octob^r 8th Last. Which Message was in the following words.

Ordered That M^r Kemble do Carry to the House of Assembly the Bill Entitled An Act to Enable the Legislature to settle the Quotas &c with the Amendment made thereto by this House, and Acquaint the Assembly, That this House have taken into Consideration the said Amendment, and the Message of that House of the Sixth Inst. Concerning it which Amendment is in these words.

"Whereas by the Royal Instructions to His Excellency the Governor, he is directed in these words, Provided, "Always, that you do not Consent to any Act or Acts to "Lay any Tax upon unprofitable Lands. It is hereby "declared that nothing in this Act is meant or intended "to break in upon the said Instruction, or to Warrant the "Assessors to put any unprofitable Lands into the said List "or Account of things to be Taxed."

That we are sorry to find such Censures of our said Amendment in the said Message, as we cannot apprehend how it can be liable to. By the said Message People would imagine, that we had therein prescribed ways & means how money shall be raised on the good People of this Province; We, for our Parts, cannot see any Such Thing in our said Amendment. We think this House hath as much at stake in this Colony as the House of Assembly, and as much Concerned in its well being, and for the Rights and Privileges of the People in it; for which Reason we should be as much as the Assembly averse to any Infringement on their Rights & Privileges But besides that, we are under Oaths for the Performance of our Duty as Councillors which is an Obligation upon us, which the Members of the Assembly are not under as Assembly-men

Were we not under those Oaths, yet we should think we deviated far from that Duty we owe to His Majesty, should we Agree to the breaking thro' the Instruction set forth in

our Amendment, as we Conceive the Bill does, in its present form, and in the form it has been for six times sent up to us within three years last past, But as we are also under Oaths for the Performance of our Duty, we think we should have been guilty of the breach of those oaths, had we passed it in the manner it stood without that Amendment, which has been thrice before made to like Bills in the same words within two Years last.

That we were in hopes, that what passed between the two Houses Concerning that Bill, appearing in the Minutes of the Council and Assembly of October 1749 would have put an end to further groundless Charges, and Insinuations against us Concerning it, but the Message and the Address of the Assembly to his Excellency of the Third Instant, Convince us, we were mistaken in thinking so: with what view the House of Assembly do from time to time publish such groundless Charges & Insinuations against us, as appears in the said minutes of October 1749 and in the said Address and message we are at a Loss to know; we are unwilling even so much as to imagine that it can be to exasperate the People against us.

That we think we ought not to omit Observing on those words of the s^d Address viz. Have made divers attempts to supply the Treasury, in the like method y^t hath been long done heretofore without any bad Consequences that we know of from whence any persons unacquainted with the Truth of Facts, we think would imagine that Bills of like Tenor as this Bill in Question, had been long frequent & Customary in this Province, and that we opposed an Approved Form; but the fact is so far otherwise, that we never heard of such a Bill in this Province till within these three Years past, a Bill for settling Quotas and no money given by it to his Majesty for support of his Government

All Bills that ever we heard of in this Province, which directed Quotas, gave also the Money to his Majesty for Support of his Government, that was to be raised by those

Quotas ; And those Quotas were in a very different manner from what's proposed by this Bill.

What the Assembly's intention is by such an Innovation as this Bill, & by Laying aside the accustomed method, we know not, but it seems to us by it, that they by this Bill intend that Lands shall hereafter be Taxed by the Acre and not According to the value (as the number of Acres and not the value is required to be taken by this Bill) so that the poor people who live on poor land, shall pay as much Tax by the Acre for their poor Land, as the Rich people shall pay for Lands of twenty and forty times the value per Acre, And should a Tract Contain nineteen Acres of unprofitable land for one Acre of profitable, the whole twenty Acres shall pay as much Tax, as if it were all profitable.

That these things are "in as equitable a manner as Circumstances will Admit of and a just Taxation" as the Assembly in their said Address do say of this Bill, we have not been able to apprehend ever since such a Bill as this was first offered in 1747 and to which bill of this kind we then made three Amendments, and to one of which the Assembly then agreed, but to the other two Amendments they disagreed, and this House adhered to them ; how this House has become deprived of the Right to amend that Bill, as the said Message Resolves we are, does no way appear to us.

That we think its far from doing by our neighbour as we would have done to ourselves, to oblige one to pay ten, twenty or forty times as much Tax, According to the Value of his Estate, as another, because their quantity of Acres happen to [be] equal ; which we think would be the Obvious Consequence should we pass this Bill, as it stood without our Amendment

And Lastly, do acquaint the Assembly that this House doth unanimously Adhere to their Amendment aforesaid to said Bill

Ordered

That M' Leonard do Carry to the House of Assembly the

said Bill and Amendment with the above Resolves of this House Concerning the same

M^r Leonard Reported that he had obeyed the above Order the House of Assembly then sitting.

The House Continued till

Monday the 11th Feb :

Present as before

Tuesday the 12th

Present the same

Wednesday 13th

Present as before

The House Cont^d till

Thursday 14th

Present

| | |
|--------------------------|-------------------------|
| M ^r Reading | M ^r Johnston |
| M ^r Alexander | M ^r Kemble |
| M ^r Rodman | M ^r Leonard |
| M ^r Hude | M ^r Saltar |

A message from the House of Assembly by M^r Lawrence and M^r Hancock

“The House taking into Consideration the Message of the Council of the 9th Instant sent to this House by M^r Leonard with the Bill for Enabling the Legislature to Settle the Quota's &c do find the Council adhered to their amendment, or rather Alteration made to the said Bill ; and, by the said Message, Resolve, they have a right to make that Amendment, which they say, stands Confessed and admitted by

“the Assembly, by their agreement to one of three amend-
 “ments made by y^e Council to the first Bill of this kind, as
 “appears by the Minutes of the Assembly of January 20th or
 “21st 1747. Had the Gentlemen of the Council fully Con-
 “sidered the Minutes above referred to, they would have
 “found the said Amendment, Admitted by the Assembly,
 “related to the Title only, and not to the Body of the s^d Bill,
 “which they would never admit the Council had any right to
 “amend, or even to Demand any Conference thereon, which
 “was actually denied by this House, on the 10th of February
 “1747, And, as often as any Amendment hath been attempted
 “by the Council to the Body of that Bill, it hath been rejected
 “by this House, as doth appear by Sundry Messages from this
 “House to the Council upon that head, and, particularly, by
 “a Message, which the Council say, they rejected, by their
 “Message of the 8th of October last. How the Gentlemen
 “Came to Conclude they had refuted the former Message by
 “the Latter, or in other words, to triumph in the imaginary
 “Conquest, before they gained the victory, we cannot tell—
 “If that Message was not answered, it was not because this
 “House, tho^t it unanswerable; but because they had not time
 “to answer it, and were unwilling to Multiply fruitless De-
 “bates at the Publick expence; But, since the said Message
 “is again repeated in the first above-mentioned Message of
 “the 9th Instant, it may be proper to make some few Obser-
 “vations thereon, without taking up too much time of the
 “House.

“And, first, the Council seem to infer their Attachment to
 “the Privileges of this House, and the good of the Colony,
 “from the Importance of the Stake they have therein, which
 “they intimate is equal to what this House hath: But how
 “rich soever the Gentlemen would willingly be thought, we
 “Cannot think them equal in Substance to all the rest of the
 “Inhabitants of this Colony who we represent, by immediate
 “Election and Choice: However, had the Gentlemen less,
 “Estate, especially in Lands, ’tis probable they might have

“assented to some one of the seven Bills sent them for Concurrence by this House, to Enable the Legislature to settle the Quotas &c But their having so many large Tracts of Land liable to be taken an account of, for future Taxation, by the s^d Bills as prepared by this House, we doubt, has rather prevail’d with them, so repeatedly to defeat those Bills, than any great Regard to his Majestys Instruction ; which is no way broke in upon, by the said Bills, as pass’d by this House.

“That the Gentlemen of the Council further tell us, by the Message aforesaid, That, they are under Oaths for the Performance of their Duty as Councillors, which say they, is an obligation upon them, which the Members of the Assembly are not under as Assembly-men. What those Oaths are, the Gentlemen mean, we know not, unless they are the Oaths to the Government, to secure them in their Fidelity to His Majesty, and the Protestant Succession as by Law established ; If such only, then are we under the like, and hope to perform them as well, If anything more, we should be glad to know it. But however from His Majesty’s known Candour & Goodness, we cannot suppose he has Obligated his Council, by Oaths to invade the Rights and Privileges of his Liege People, in not suffering them to be Taxed According to their own Consent : This would be a manifest violation of the Subjects Liberty in the Disposal of their own Property, inconstant¹ with the natural Freedom of Mankind, destructive of the very Notion of Property and repugnant to our happy Constitution.

“That the Council tell us by the message aforesaid, they never heard of any such Bill as the Bill in Question, till within this three years past : A Bill for Settling Quotas and no money given by it for the support of His Majesty’s Government” Admitting the former Quota Bills were connected with the Bills for Support of Government, yet there hath been long, frequent & Customary in this Colony, a Provision by Law for Settling Quotas, wherein the Persons

¹ Inconsistent.

“and Things to be taxed, were to be taken an Account of in
 “the manner as directed by the Bill in Question; among
 “which the whole of all Profitable Tracts of Lands held by
 “Deed, Patent or Survey, whereupon any Improvement was
 “made, were to be taken an Account of by the old Method of
 “Taxation, in the same manner as by the Bill in Question,
 “which is the only point in Contest between the Council and
 “this House, and this Method being long practised with the
 “Approbation of the Publick, doth Sufficiently, Manifest
 “the Councils Opposition to an approved form with respect
 “to the Matter in Contest.

“What the Assembly’s Intention is, say the Council, by
 “such an Innovation as this Bill is, they know not; but
 “Conclude, it seems as if the Assembly intended, Lands
 “Should be hereafter taxed by the Acre, and not According
 “to the value; from which inequality, they infer the Injustice
 “that would be done to the Poor People who live on poor
 “land. To which we reply, as to the Assembly’s Intention
 “with respect to the pretended Innovation of this Bill, that,
 “may be readily gathered from the Necessity, Title, & Form
 “of the said Bill, and also from the Assemblys Willingness
 “to Support Government, which in particular prevailing be-
 “yond any other Motive, put them upon an early enquir
 “into the state of the Treasury, which they found would soon
 “be insufficient for that purpose, through a Decrease of the
 “Publick Funds, Therefore it became necessary to supply
 “the Deficiency by a Provincial Tax; and to the end each
 “County within the Colony should pay its just Proportion
 “in such Tax, it was Absolutely necessary that all things,
 “sho’d be taken an Account of which Compose the Value of
 “such County, as near as the same could be Collected, which
 “when done, and a Return thereof made to the Legislature,
 “they could be thereby enabled to ascertain the Quotas of
 “each respective County within the Colony; and suppose
 “there should be an Inequality in the value of y^e Lands of
 “such Counties, Such inequality might be much better ad-

“justed by the Impartial & unbyass’d Settlement of the
 “whole Legislature, than by any other Method that can be
 “proposed.

“What the Council’s Intention is in obstructing the People
 “(for such a series of Time) from being Taxed according to
 “their own Consent, we know not; unless it be with a design,
 “to keep the Government unsupported, the publick Debts
 “undischarged, and to Exempt their own Large Tracts of
 “Lands from bearing their just Proportion in the publick
 “Tax, under a specious pretence of Adhereing to His Ma-
 “jesty’s Instruction, and favouring the poor; when in Truth
 “the said Bills, they have so repeatedly defeated as pass’t by
 “this House, are no ways repugnant to the said Instruction,
 “nor injurious to the poor Freeholders; but on the Contrary,
 “agreeable to the former and a Relief to the Latter:

“Ordered

“That an Exact Copy of the said Bill for Enabling the
 “Legislature to settle the Quotas &c as pass’d by this House
 “this sitting, be Compared and signed by the Speaker, and
 “then printed with the Minutes; and that the Clerk be ex-
 “cused from entering the same in the Journal of the House.”

The House Continued till

Friday the 15th Feb^r

Present

| | |
|--------------------------|------------------------|
| M ^r Reading | M ^r Kemble |
| M ^r Alexander | |
| M ^r Hude | M ^r Leonard |
| M ^r Johnston | M ^r Saltar |

His Excellency came into Council and having by the Sec-
 retary acquainted the House of Assembly that he was in the
 Council Chamber ready to receive the Address of the House.

The Speaker with the House attended & Delivered their
 Address as follows.

To His Excellency Jonathan Belcher Esq^r Captain General and Governor in Chief, in & over his Majesty's Province of New Jersey, and Territories thereon Depending in America, Chancellor and Vice Admiral in the same.

The Humble Address of the Representatives of the Colony of New Jersey, in General Assembly Convened.

“ May it please Your Excellency

“ We His Majesty's dutiful and Loyal Subjects, the Representatives of the Colony of New Jersey, beg leave to “ Observe to your Excellency, that we are sorry the Council's “ having differed from us in Opinion, touching the way & “ manner of Levying a Tax for support of Government, “ should prove not only productive of Injustice and Oppres- “ sion to those who have Demands on the Colony, but also “ likely to bring a Train of bad Consequences upon the Peo- “ ple thereof, both which, in Duty to his Majesty, and from “ a tender regard to the People, we have carefully endeavour'd “ to avoid ; But, least the Government being so long unsup- “ ported, should occasion Our Superiors to suspect our Con- “ duct, for want of a true Light therein, we shall in brief “ Remark, that for supplying the Deficiency of the Treas- “ ury, a Provincial Tax, became necessary, which could not “ be regularly Levied upon the Inhabitants of the Colony, “ until the Quotas of each respective County, were duly ascer- “ tained ; for w^h purpose, six several Bills have been pass'd “ by us, and the late House of General Assembly, and sent “ to the Council for their Concurrence ; all which, they took “ upon them the Liberty to Amend : which being an Infringe- “ ment upon the Priviledges of this House, and the Liberties “ of the People, by Depriving them of the natural Rights of “ His Majesty's Subjects, in being Taxed in such manner as “ they best like. And as those Bills were, in substance agree- “ able (especially in the part Contested) to former Bills of the “ like nature, past by the whole Legislature, and approved “ of by our Constituents ; And also, were, in themselves, as “ equitable as the nature of the Case would Admit ; for these

“Reason, as well as more that might be urged, the Council’s
“repeated Amendments hereto, hath been as repeatedly re-
“jected, And their Adhereing so tenaciously to that Amend-
“ment, hath been the total Defeat of those Bills. And, to
“the End we might do everything in our power, that was
“reasonable, for support of the Government, we past a Bill
“for that purpose at Amboy, in a Session Commenced the
“25th September 1749, wherein the usual Provision was
“made; And, Although, there was not money at that Time
“in the Treasury, sufficient for Discharging that Bill, yet,
“had the Council past some one of the other Bills, there
“might have been enough for that purpose before this Time:
“But, Suppose there even had not, Yet the sum given by
“that Bill and past by the whole Legislature, would have
“become a Debt upon the Colony, to be discharged whenever
“the Treasury should be supply’d. But, the Council, instead
“of joyning us in our endeavours to Support the Govern-
“ment, took upon them the Liberty to Amend that Bill also,
“in substance; which being an Infringement upon our Rights
“& Privileges and Calculated to Deprive this House of the
“Appointment of an Agent at the Court of Great Britain,
“and to lodge too much Power in the Gentlemen of the
“Council, in the disposal of the publick money, and things
“of the like Extraordinary and unprecedented Nature; The
“House therefore sent the said Bill to them again, and they
“refusing their Assent to it, in the manner approved of by
“this House, occasioned the total defeat of that Bill Also,
“which, with the Defeat of the first mentioned Bills, hath
“occasioned the Government to remain unsupported until
“this Time: From whence we think, no Blame can be justly
“Ascribed to us, And, that we might not be wanting in our
“Endeavours, upon this Head, we have, at this Time Also,
“sent to the Council for their Concurrence, the seventh Bill,
“of the like kind with the Bills first mentioned, which hath
“met with the like Fate of the said Bills; and, Therefore,
“we are deprived of any proper Means of Supplying the

"Treasury for Support of Governm^t nor do we foresee any
 "probability, of its being Supply'd, or the Government Sup-
 "ported, until the Gentlemen of the Council will recede from
 "their Amendment to the said Bill.

"Therefore, we hope your Excellency will not call us any
 "further upon this head, unless you shall Discover a Dispo-
 "sition in the Gentlemen to drop the said Amendment, and
 "pass the Bill in the manner which we and our Constituents
 "think reasonable; for frequent sittings, to no Purpose, is
 "very injurious to the publick in General, and to us in par-
 "ticular.

"The Royal Instruction, and Letter from the Lords Com-
 "missioners for Trade and Plantations, referr'd to in Your
 "Excellency's Speech, about transmitting to his Majesty, and
 "their Lordships, an Account of the Boundaries of this Col-
 "ony, together with a Map thereof, we have perus'd and duly
 "Considered, and do believe the same principally Calculated
 "to enable his Majesty to assert the just Rights of his Sub-
 "jects in the Colony against the Incroachments of foreign
 "Powers, but as this Colony doth not joyn upon the Terri-
 "tories of any such power: we Conceive such Map less
 "necessary for the purpose aforesaid: And as to the Boun-
 "daries, Your Excellency may be pleased to inform their
 "Lordships, that this Colony is bounded, Eastwardly, by the
 "Main Ocean, and Hudson's River; Southwardly and West-
 "wardly, by the Bay and River of Delaware, and, North-
 "wardly, by the Colony of New York; From whence and
 "by having a Recourse to the Grants of Pennsylvania and
 "New York, Their Lordships may know, that this Colony
 "is not a Frontier upon any Foreign Settlement.

"As to what your Excellency recommended, respecting the
 "intended Interview of Governor Clinton with the six
 "Nations of Indians, at the City of Albany, sometime in
 "June next, we have Considered; but, as this Colony hath
 "not hitherto been Concern'd in Indian Treaties, beyond its
 "Limits, nor been benefitted by their Trade, we cannot think
 "it now reasonable to become a Party at the said intended

"Interview; But think it highly reasonable for those Colonies, that have been, and still may be, benefitted, by their Trade; to secure them in their Fidelity to the English at their own Expence; But notwithstanding this Colony hath not been a party at such Indian Treaties, yet, upon every Emergency, it hath hitherto Chearfully contributed to the Defence of our Neighbouring Colonies against the Incursions of an Enemy, and, no doubt, will hereafter, If need require; but, in the present Case, we shall only return your Excellency our Thanks for your readiness to undertake the Fatigue of a Journey to Albany upon this Occasion.

"We thank your Excellency for your good Assurances, "of Concurring with us, in every thing in your Power, for "advancing his Majesty's service, and Honour, and the good "Order, Peace and Prosperity of the Colony;" But we are "Sorry to hear, 'tis not in your power to remove such Officers, "as have transgressed their Duty, without Advice of Council, "whose advice, 'tis to be feared, will not be readily obtained, "for the Removal of such Officers, whose Appointment they "have already advised, and, unless your Excellency can get "over this Difficulty, we are apprehensive the publick Grievances will very much remain unredress'd if not increas'd upon us. We shall always, with Pleasure, esteem your Excellency's good wishes for unity and Concord in the publick Deliberations; and a joynt Endeavour for this valuable Blessing, among all the Branches of the Legislature, will be the best Expedient for giving a good Dispatch to the Affairs of the Colony

By Order of the House

SAMUEL NEVILL Speaker

Feb. 15. 1750

Several of the Members being of the People }
 Called Quakers, Concurr to the matter and }
 substance of this Address, but make their }
 usual Exceptions to the Stile }

The House Cont^d till

Saturday 16

Present as before

The House Contin^d till

Monday 18th

Present

| | |
|--------------------------|-------------------------|
| M ^r Reading | M ^r Johnston |
| M ^r Alexander | M ^r Kemble |
| M ^r Rodman | M ^r Leonard |
| M ^r Hude | M ^r Saltar |

The House Continued till

Tuesday 19th Feb^r

Present as above

Ordered unanimously

That M^r Kemble, do acquaint the House of Assembly, that this House having taken into Consideration the Message of the Assembly of the 14th Inst. do admit, that the Amendment of this House to the first Quota Bill, agreed to by the Assembly, related to the Title only; but, that those whom they allow to have a right to amend the Title have not an Equal Right to amend the Body of a Bill, is a Distinction we have never met- with, and believe it to be without any Foundation, either in Reason or Precedent.

We do admit also, that the Assembly have all along rejected our Amendment to the Body of the said Bill, and have refus'd to Confer with us on our Amendments tho' Conferences thereon, were several Times requested by us; and, that rather than agree to the Conferences requested thereon, or to request of us a Conference, they, the Assembly, have Dropp'd in their House every one of the seven Quota Bills; and no one of them ever dropp'd with us. What Reasons

or Precedents they had to Justifye themselves, in those (to us) unaccountable Proceedings, they have never, to this Day, acquainted us with, other than their own Will and Pleasure.

Reason, we think, dictates, that where the Consent of two Bodies, independent on one another, is wanting, to the Form of a Necessary Act, and they Differ in Opinion, as to that Form, that they ought, by Conferences, to Communicate to one another the Reasons why they insist on the Forms mutually proposed by them; without which, it seems impossible, in the nature of things, that they Can agree; and whoever refuses that Method, let them pretend what they will, must either think such Act not necessary or do resolve that the other Body shall give up its Independency and Right of Judgment to them.

Would the Assembly have agreed to any of the Conferences requested, this House might possibly by an Induction of particulars, have Convinc'd them, that how strongly soever they were of Opinion, that the words of this Bill did no way break in upon his Majesty's Instruction, Yet that in such opinion they were mistaken.

The Bill, as insisted on by the Assembly, directs, that the whole of all Profitable Tracts of Land, held by Deed, Patent, or Survey, whereon any Improvement is made Shall be taken an Account of, and put in the List of things to be Taxed, Now, if there be many Thousands of Acres of unprofitable Lands in New Jersey, as Cannot be denied And, if every acre in New Jersey, how unprofitable soever, is, by the above words of the Bill, to be taken An Account of and put into the List of things to be Taxed: Then it must undeniably follow, that the Direction, in the above words, does break in upon his Majesty's Instruction, inserted in our Amendment.

But the whole Tract of Land called New Jersey, is held by and under the Deed from the Duke of York to Lord Berkley and S^r George Carteret, and, is, in the whole, a profitable Tract of Land, (though Thousands of unprofitable Acres be in it) and every Improvement in New Jersey, is, an

improvem^t made on that Tract. Wherefore, the whole of all the Tracts Called New Jersey, is as much within the express words of the Act, as any Tract whatsoever that is part of it. But we doubt not it will be said, that how much soever the Tract called New Jersey, be within the Express words of y^e Act Yet it was not within the Intention of the Assembly. Be it so; But when an Act is past into a Law, 'tis not the Private Intention, either of the Governor, or of the Council, or of the Assembly, that will govern the Construction of the Law, Tis the Courts of Justice that must Collect the Intention from the words of the Act, and not from the private Intention of the Makers. Wherefore, if the Assembly mean not the whole Tract of New Jersey, there Seems an Absolute Necessity of an Amendment to make that meaning Apparent.

Again, Suppose that meaning made apparent, and that the Tracts meant are only Such as have been appropriated to particular Persons by Deed, Patent, or Survey and, Suppose, such a Tract of 20 Acres, whereof one is profitable, and 19 unprofitable. Yet this Tract, upon the whole, is a profitable tract of land, and, if any Improvement is upon it, the whole of the Tract must be taken an Account of, and the 19 unprofitable Acres must be Taxed; which is repugnant to the Instruction set forth in our Amendm^t And that many such cases are, and Some in greater, and Some in lesser proportions, we think no doubt can be made. And we believe, there are few Tracts in New-Jersey, but what have some unprofitable Acres in them, and if they have any, and those are taxed, the Instruction is thereby broke, in upon. This Case we put in our Message, which the Assembly, by their said message, of the 14th Inst. pretend they Answer: but they have thought proper to slip over it, without any the least Notice.

Again, Suppose 1000 Acres appropriated by Deed, Patent or Survey, but without any Improvement upon it, and Consequently bringing in no Income or Profit to the Owner; The tract while in that case, it seems agreed, is within the Instruction, for its then, by the Bill, not to be taken an

Account of in order to be taxed. But Suppose the Owner, or a Tenant, or a Trespasser, enter upon it, and improves one acre; then, by the Tenor of the Bill, the whole must be taken an Account of, and the 999 unimprov'd Acres, pay as well as the one Acre improved. Reason, we think, Says, If the whole 1000 was within the Instruction while no Improvement was upon it, the 999 remains still within the Instruction, after the one Acre of the 1000 is improved. If the improvement is made by a Trespasser without the Consent of owner, is it just that such an Act of a Misdoer, Should render the whole 1000 liable to be taxed, tho' bringing in no Income or profit to the Owner, more than before the making that Improvem^t If the Improvement is made by the owner or Tenant, is it not a great Discouragement to the making Improvements, to lay such a Penalty as 999 Times more Tax than justly ought to be laid upon them. But these, and Thousands of such Injustices, must obviously follow from the Bill in Question, Should it pass as it now stands.

Again, as New Jersey at first belonged to Lord Berkley and Sir George Carteret, and was by or under them, sold to Persons residing in England Scotland and Ireland, where great Numbers of the owners of Parts of New Jersey still do reside, and many in other the American Colonies, to whom Multitudes of Large Tracts of all Quantity between one Thousand and a hundred Thousand Acres, have from time to time been divided by Patents, Deeds, or Surveys in part of their shares, Suppose such owners of a Tract of 100.000 Acres have sold 10.000 of it, upon which Improvements have been made; by this the 90.000 Acres remaining unsold, belonging to those absent Persons, tho' bringing in no income or Profit to them, are, by the Tenor of this Bill, to be put into the List of things to be Taxed: Many hundreds, if not Thousands of Cases of that nature we believe are in New Jersey—And the laying a Tax upon such things (where¹ there even no Instruction against it) must be a mere Amusement seeing there is nothing to Levy it upon, and Conse-

¹ Were.

quently a great, if not the greatest part of a Tax so laid, would become a Deficiency.

These few particular Cases, of the many that could be put, we think do evidently show, that the Quota Bill, in its present form, does not only break in upon His Majestys Instruction, but it is big with Injustice, and a great Discouragement to making Improvements, were there no such Instruction, and must be ineffectual for the Purpose pretended.

We admit we said,—“What the Assemblys Intention is by such an Innovation as this Bill, and by laying aside the Accustomed Method, we know not; but it seems to us by it, that Lands shall hereafter be taxed by the Acre, and not according to the value; as the Number of Acres and not the Value is required to be taken by this Bill.” To which the Assembly say, they reply; but we find no Denial, in that reply, of their Intention to be, to tax Lands by the Acres, and not the value; wherefore what we supposed, is admitted to be true: And as Lands in New Jersey are of all values, from thirty pence p^{r} Acre, to thirty pounds p^{r} Acre; no pretence whatsoever can make it just to tax such Acres equally; and such Inequality of Taxation, in respect to the value, must become oppressive to the poor people Settled on poor Lands as we before alledged. And why a poor man worth only fifty pounds, should pay as much Tax as another worth Five hundred pounds, will be Difficult for the Assembly to show a Reason.

The Assembly say, “the inequality might be much better “adjusted by the impartial and unbyass’d Settlement of the “whole Legislature, than by any other Method that can be “propos’d” On which we Observe, that its impossible for “the Legislature to adjust the Inequality by the Means pre- “scribed by this Bill, Viz “Returning a List of the Quantity “of Acres in the Tract, and not the value.”

The Value of a Tract, or the improved part of a Tract, we see no Difficulty that the Assessors will be under to return it nearly to the Truth, as they will be of the Neighbourhood,

and know as much or more of their Neighbours real Estate, than they Can do of his Personal for the last may be hid from them, whereas the other is open to their View and not to be secreted. The value they can Judge of nearly, without knowing the quantity; whereas they Cannot Judge of the Quantities without actual surveys; for there are Multitudes of Tracts in New Jersey that are Commonly called one hundred Acres, which do really Contain three hundred Acres, and much more. We see our Neighbouring Provinces raise Taxes on the value of Estates, Real & Personal, of the Inhabitants without any Difficulty whatsoever; we know of nothing to hinder New Jersey, from raising Taxes in the same manner.

We could not have believ'd it, had not the Assembly told us so, "that they are Ignorant of the Oaths we are under for the Performence of our Duty as Councillors which is an Obligation upon us which the Members of the Assembly are not under as Assembly-men," Seeing his Majesty's Commission to His Excellency, by vertue of which they are Called and Sit as an Assembly, does also direct those oaths; which Commission is on Record, open to all, in the Secretaries Office here.

The Assembly are pleased to own they have no Precedent in this Colony, of a Quota Bill, such as this is, without any Money given by it for the support of Government: But why they have laid aside the old Method, and taken up this new, no Reason have they Assign'd. But they insist, "there hath been long, frequent and Customary a Provision by Law for Settling Quotas, wherein the Persons & Things to be Taxed were to be taken an Account of in the manner as directed by this Bill in Question, among which the whole of all profitable Tracts of Land, held by Deed, Patent or Survey, whereon any Improvement was made, were to be taken an Account of by the old Method of Taxation, in the same manner as by the Bill in Question. And this Method being long Practis'd with the Approbation of the Publick, doth sufficiently manifest the Council's Opposition to an approv'd

Form" To which we say, That would the Assembly have been pleased to have Conferred with us, they would not only not have been under the Necessity of owning their preceeding Error, but might have avoided the Mistake they are under as to what they now above insist on. For, except one Act for Support of Government past in August 1725 there have been no Acts enacted for Forty Years past (for so far we have searched) with the words "the whole of all profitable Tracts of Land held by Deed Patent or survey, whereon any Improvement was made (for as to the Support Act of May 1722, tho' that Encroachment on the Instruction seems to have been intended by the then Assembly and was the first attempt to introduce the word Tracts) Yet it was prevented by an Addition thereto of the words of such profitable Lands) How these words in the Act of 1725 were suffered to pass in that one Act unexplained, we know not; but believe it was because they were passed over inadvertently by the Council, or thought of little or no Moment at that Time. For by that Act and all the other Acts for Support of Government, the Certainties mentioned in those Acts were valued, and the values were directed to be first summed up, and Subtracted from the Quota of the County, and if the sum of those Certainties did not amount to the Quota, then the Deficiency was to be laid on Lands: But many Counties in this Province found by experience, that the sum of the values of the Certainties, equaled, or exceeded their Quotas, so that there was no necessity of any Tax on Lands in those Counties; and we have heard, that when the sum of the Certainties fell sometimes under the Quotas, it has been found so small a sum, that the Assessors did not think it worth the assessing and have trusted to the Exceedings of another Year And it is to be remark'd that in the Act of 1725 and all other the support Acts for Forty Years the Lands to be Taxed, were those of the Inhabitants and Householders only, Whereas by this Bill there seems no such Restriction. And as no values are put upon the Certainties.

in this Quota Bill in Question, nor is there anything in it so much as to hint that the value of the Certainties shall first be Deducted from the Quotas, its Submitted, whether these Acts were in the manner directed by this Bill, and whether the Method now offered by this Bill hath been long practiced with the Approbation of the Publick, as the Assembly do now insist.

From what we have now said, we hope that all impartial men may be Convinc'd, that not we, but the Assembly, are the Cause that the Government is unsupported, and the Publick Debts undischarg'd

The Assembly in their said Message, and in their Address to His Excell^r of the 14th Instant, Accuse us of having taken Liberties upon us. As to which, we think, we have taken none, but what were our just Right to take. But the Liberties that the Assembly have taken with His Majesty, with his Excellency our Governor, with the Magistrates of this and other Counties & with us, by those Papers, and During this and former late Sessions (as will appear by their Minutes) and by their Spreading base, false, scandalous and injurious Libels against us, we believe all sober & reasonable men will think unjustifiable—God only knows the Hearts & Thoughts of men; they have (it seems to us) even not left that, His Province, uninvaded, for they take upon them to suggest our Thoughts to be, not out of any great Regard to His Majesty's Instruction, That we have been led to make our Amendment, but to exempt our Large Tracts of Land from Taxes, when they well know, that a Majority of this House are not owners of large Tracts of Land, and those who have such, do declare, they never had the Least thoughts of having their Lands exempted from Taxes, Consistent with Reason and His Majesty's Instruction

By Order of the House

CHARLES READ Clk Con

February, 19 : 1750

P. M.

Present as before

M^r Kemble Reported That he had Obeyed the Order of
this Morning The House then sitting

Wednesday 20th Feb^r

Present

M^r Reading
M^r Alexander
M^r Rodman
M^r Hude

M^r Johnston
M^r Kemble
M^r Leonard
M^r Saltar

Thursday 21st

Present the same.

Ordered

That M^r Kemble and M^r Saltar be a Committee to Inspect
the Journals of the House of Assembly and report to this
House what they have done in relation to the Message of this
House of the 19th Instant.

Friday 22^d 1750

Present as above

M^r Kemble & M^r Saltar to whom it was referred to Inspect
the Journals of the House of Assembly Reported that they
had Inspected those Journals & found therein one Entry of
which they had procured an Attested Copy under the hand
of the Clerk of the Assembly which they laid before this
House and it is as follows, The House taking into Consider-
ation the Message of the Council of yesterday by M^r Kemble,
are unanimously of Opinion, that it would be taking up, too
much Time at the Publick Expence, for the House to make

any particular Answer thereto; nor indeed is it necessary, when Considered, that the Message itself, will discover the Councils Aim in having the improved Part only, of Tracts of Land taken an Account of for a future Taxation, which, if admitted, wo'd exempt the unimproved part of such Tracts from paying any part of Publick Tax. So that Should a Gentleman be possess'd of 10,000 Acres of Land in one Tract, worth 10000£. Pounds, and only 50 acres of it improved; and a poor Freeholder should be possessed of a Tract of 100 Acres of Land only, worth but 100£. and 50 Acres of it improved, the poor Freeholder must pay as much as the Gentleman: And this we may venture to say (without invading the Province of God, which the Council are pleased to Charge us with) would be the obvious Consequence of the Bill in Question, if pass'd in the manner y^e Council insist, And why a poor Man worth only 100£. Should pay as much Tax, as a Gentleman worth 10,000£. will be difficult for the Council to show a Reason; but at present we may set it down as a wonderful and Surprizing Expedient indeed to favour the poor.

The Council instead of making it appear, that they have a right to amend the said Bill, as they have repeatedly resolved they had; have unhappily fell into the railing language of the meanest Class of Mankind, in such a Manner, that had it not been sent to this House by one of their Members, no man could imagine that it was Compos'd by a Deliberate determination of a set of men, who pretend to sit as a Branch of our Legislature; for towards the Close of the Above said Message, they Charge us with having taken Liberties with His Majesty, with his Excellency our Governour, with the Magistrates of this and other Counties, and with our having spread false, Scandalous & injurious Libels against them the said Council, which, they say, they believe all sober & reasonable men will think unjustifiable. What Liberties we have taken wth His Majesty, otherwise than to assert our Loyalty to him, in our Address to His Governor, we know not, what

Liberties we have taken with the Governor, unless it be to tell him the true Reason of the Governments being so long unsupported and to represent the publick Grievances to him for Redress, we know not, what Liberties we have taken with the Gentlemen of the Council, other than to tell them the Truth in modest, plain English, we know not, what Liberties we have taken with the Magistrates of this and other Counties, unless it be to enquire into their Conduct upon Complaint, And after a fair and impartial hearing, to represent their Arbitrary and illegal Proceedings for Redress, we know not. And wherein we have been guilty of spreading false, Scandalous, and injurious Libels against the Council we know not; Therefore it will be incumbent on them to point out and duly prove, some undue Liberties we have taken, and Libels spread, before any sober and reasonable Men will be prevailed on to condemn our Proceedings, as unjustifiable, which we think they will not do upon the Slender Authority of the Councils insulting Message to this House; which, in our opinion, is so far from being likely to prevail on any Sober and reasonable men, to believe the false Scurrilous and groundless Charges therein alledged against us, that it will rather discover the Council to be men at least under the Government of Passion if not void of Reason and Truth; and until they recover the right use of their Reason again, it will be fruitless for this House to Spend Time in arguing with Them.

A Message from the Council, by M^r Saltar in the words following

This House having Yesterday received Information, that the Assembly had done something extraordinary concerning our Message to them of the 19th inst^d which they did not intend to Communicate to us, we appointed a Committee to inspect the Journals of the House, and to Report what they found to that purpose which Committee now reported, that they found a Minute of the 20th in the Assembly's Journal a Copy whereof they laid before this House Attested by the Clerk of the Assembly which being taken into Consideration

by this House, We unanimously declare, we are not (whatever other Persons may be) surprized at the Diction of the Above Minute of the Assembly, nor at their Candour of their Calling upon us, to point out Proofs of what we had Alledged, and yet endeavouring to keep that Call hid from us till we should see it in Print in their Minutes at which time we could not probably be a Body to Comply with their Call, nor until we were called afterwards as a Branch of the Legislature.

As we are informed, that probably this Session of the Legislature will this Day end,¹ and that the Assembly have already made repeated Calls on His Excellency to Dismiss them, we think it our Duty, in this short Time, before that be done, to make some observations on the above Minute of the Assembly.

Instead of shewing, that, in the Cases we had put in our Message, the Quota Bill as it stands, would not break in upon His Majesty's Instruction, and that taxing Lands by the Acre, and not the value, was just and reasonable, which was incumbent on the Assembly to have done, they put another Case, which we Don't perceive has any Relation to those, or any other Points of our Message. But however we observe on it, That if the Gentleman who has 10,000 Acres of Land, and only 50 Acres of it improved, of equal Goodness with his Neighbour, who has 100 Acres And Also 50 Acres of it improv'd, and if the Care and Industry of both are equal, the Yearly Income and Profit of the Gentleman and Freeholder from their improved Lands, should be Equal, and in that respect should be equally Taxed. As to the Gentlemans 9950 Acres unimprov'd tho' he or his Ancestors bought it with their money, Yet has he no more yearly Income or Profit of it, than his Neighbour the Freeholder, whose Horses, Cows and Sheep, can, and will, as freely graze and feed upon it as the Gentleman's. And if that Neigh-

¹ The session not only ended on that day, but the Assembly was dissolved by the Governor, and a King's writ issued for a new Assembly to meet on the 7th of May following. See N. J. Archives, VII., 588.

bour can by that means, make as much yearly Profit from it, as the Gentleman, there seems no Reason for an inequality of Taxation in that respect; and tho' the 9950 Acres be not taxed, yet the Horses, Cows & Sheep that feed upon it, both of the Gentleman and the Freeholder, are taxed, and in that respect, it pays a tax thro' the Gentleman, and all the Freeholders and others whose Cattle feed upon it.

As to the Proofs that the Assembly call on us for, of the unjustifiable Liberties they have taken with His Majesty, with His Excellency, with the Magistrates, and with us, we shall now, for brevity, assign only one Instance of each of the many that we could assign.

By the Assembly's Endeavours to have the Quota Bill pass'd without any Saing of His Majestys Instruction, their Intent to break thro' that Instruction is apparent, and yet by their Address to His Majesty, printed in their Minutes of October 1749 they took the Liberty to approach the Throne, and value themselves and their Loyalty to His Majesty, upon these their Endeavours; and we think an unjustifiable Liberty is a softer Name than this Deserves.

As to his Excellency, they might long ago have seen the Impossibility of their Quota Bill's passing in its present form: And as there are many other ways by which Money could be raised for paying his Excellency's Salary, without the aid of such a Bill; one of which ways was pointed out to the Assembly by our Message of December 12. 1748 printed in the Assembly's Minutes of the 14th and that Part of it, reprinted in their Minutes of October 1749 And tho' often pressed by his Excellency's Speeches, yet have they taken the Liberty to refuse all other Methods for raising of His Excellency's Salary, which, we think, is an unjustifiable Liberty.

As to their Liberty with Magistrates—Four Magistrates of the County of Burlington, being met with fourteen Freeholders, for raising of Money for Defraying the Charge of the County, pursuant to Law on one Article proposed, seven of the fourteen Freeholders voted for allowing it, and five

voted against it, and two were neuter ; The four Magistrates agreed with the seven and allowed the Article, The Assembly call these Magistrates before them, and Declare the Construcion the said Magistrates had put upon the Law in that point (tho' they were upon the Oath of their Office when they did it) to be illegal, and took the Liberty to fine and imprison those Magistrates for this, as appears by the Assemblys Minutes of February 1749-50. and the Depositions we took upon that Occasion ; which we think was an unjustifiable Liberty.

As to the Assembly's unjustifiable Liberties with us, we think their Proceedings of this Sessions, will fully show, and particularly their Resolves upon our repeated Amendment to the Quota Bill.

As to that base, false, scandalous and injurious Libel upon us, Printed by Desire by William Bradford of Philadelphia, the Assembly's Printer, in his Journal of the 5th Instant, spread thro' this and the Neighbouring Provinces : We think Proofs that the Assembly are spreaders of it, will be needless, till they expressly deny the Charge, and that they, or any of them, or their Clerk by any of their Order, desired the printing that base Libel ; and that they, or any requested a large Number of them to be sent them when Printed, and that any large Number of them was sent to any of them, & Distributed among the Assembly-men, and a Number remaining over. When these things they will be pleased fully to deny, we think it will be then time enough for our Proof of their Spreading that base, false scandalous and Injurious Libel.

Ordered

That M^r Saltar do Deliver a Copy of the above Minute to the House of Assembly

M^r Saltar reported he had Delivered a Copy of the above Minute to the Speaker of the Assembly the House then Sitting

Compared by

CHA. READ D Secr^y

At a Council held at Burlington on Tuesday the 5th Day
of February 1750

Present

His Excellency the Governor

| | |
|--------------------------|-------------------------|
| M ^r Reading | M ^r Johnston |
| M ^r Alexander | M ^r Kemble |
| M ^r Rodman | M ^r Saltar |

His Excellency ordered attested Copies of His Majestys
8th & 35th Instructions to him to be Read in Council and
Desired their Opinion thereon.

His Excell^y Nominated to the Council the following per-
sons.

Samuel Smith to be Judge of the Pleas in the County of
Burlington.

Benjamin Bispham one of the Justices of said County.

Ebenezer Miller Judge of the Pleas in the County of
Cumberland.

Ananias Sayre Justice of the Peace in said County

John Anderson Judge of the Pleas in the County of Mon-
mouth

Joseph Stillwell & William Hondrickson Justices for said
County of Monmouth

To which Nomination the Council gave Consent

His Excellency laid before this Board two Letters from
Samuel Nevill Esq^r

Also the Examination of William Waller taken before him
& the Petition of Sam^l Fitz-Randolph in respect to some
piratical practices on Board the Sloop Mary of Woodbridge,
said Sam^l Fitz Randolph Master in North Carolina & Desired
the Council to make Report thereon to him, what is proper
to be done.

Province of New Jersey ss :

The Examination & Confession of William Waller late of
the Township of Woodbridge in the County of Middlesex
and Province of New Jersey Mariner who Saith.

That on or about the 19th day of September last past, he this Examinant Sailed out of the Port of Perth Amboy on Board the Sloop Mary Samuel Fitz-Randolph owner, and Master; That this Examinant went before the Mast as a Sailor That the said Sloop was bound to North Carolina, where they arrived on the Sunday following; that they saw a large Spanish Ship of about 500 Ton at an anchor over the Bar, of O'irikett¹ Inlet; That the said Ship appeared to be in Distress, having lost the Head of her fore mast and the head of her Main mast, and her Mizzen mast quite gone and her Rudder: That after the Gale was over the Boatswain of the aforesaid Spanish Ship came on Board the aforesaid Sloop in Order to Agree with the Master Samuel Fitz Randolph to Carry a Cargoe for the said Ship to Norfolk in Virginia; That this Examinant understanding something of the Spanish Tongue, assisted as an Interpreter between the Master of the Sloop and the aforesaid Spanish Boatswain: That the said Master Samuel FitzRandolph agreed with the s^d Boatswain to Carry such Effects as Should be put into the Sloop from the said Ship to Norfolk in Virginia aforesaid for five hundred and seventy pieces of Eight but that there were no Articles of Agreement signed between the said parties to this examinant knowledge. And this Examinant further Saith, That in about a week afterwards the aforesaid Spanish Boat Swain came with about fifteen hands of the ships Crew, in a Launch and hawl'd the said Sloop alongside the aforesaid Spanish Ship; That this Examinant Saw the Master of the aforesaid Spanish Ship (as he was told) on board the said Ship, who ordered the following Effects to be put on Board the said Sloop, to wit, Cocoa Cocheonial sug^r and about fifty four Chests of money; That after the Sloop had taken in the Goods, She hawl'd off to an Anchor; That some words happened a few days after this between the Master of the said Sloop & this Examinant and that they parted by Consent, and this Examinant went on Board a Sloop then riding in the Harbour, bound for Middle town in new Jersey, one Anderson Mas-

¹ Ocracoke.

ter, And this Examinant further saith, That about two or three nights before he this Examinant left the aforesaid Sloop, one Joseph Jackson, a sailor on board the said Sloop Delivered to this Examinant about four hundred and fifty Pieces of Eight Tyed up in an oznabrig bag, and at the same time the said Jackson gave this Examinant a Letter Directed to his Father James Jackson, in Woodbridge in the Province aforesaid with orders for this Examinant to Deliver two hundred & thirteen of the afores^d Pieces of Eight to the afores^d James Jackson; That the Remainder of the said Pieces of Eight he this Examinant Claimed as his Share: That this Examinant believed the said money belong'd to the Spanish Ship aforesaid; And this Examinant further Saith, That he was informed by Thomas Edwards and Kinsey FitzRandolph, that they, the said Thomas Edwards & Kinsey FitzRandolph had cut a hole at the foot of the Lar-board Cabin through the Bulk-head into the hold of the said FitzRandolph's Sloop, where the money had been lodged by the Spaniards; That the Hatches of the said Sloop going into the Hold were barr'd & lock'd by the Spaniards; and the said Spaniards took the Keys away with them, That this Examinant never took any money out of the said hold, but Confesses that the said money was divided amongst the Sloops Crew as follows, to wit, Kinsey FitzRandolph, mate of the said Sloop, Samuel FitzRandolph jun^r Thomas Edwards, Benjamin Moore Joseph Jackson & silas Walker and this Examinant, This Examinant being Asked, Whether Samuel FitzRandolph Sen^r Master of the said Sloop, know anything of the taking of the aforesaid Money Answered, not to his knowledge: But saith, That he this Examinant and the rest of the Crew went for water, and left on board the said Sloop, only the Master Sam^l FitzRandolph Sen^r and his two sons, Kinsey FitzRandolph & Sam^l FitzRandolph jun^r That when they Came on Board again Kinsey FitzRandolph told this Examinant, That he had been in the Hold, & had got seven hundred Pieces of Eight for his Father Samuel FitzRandolph Sen^r and had also

got forty pieces for himself: And this Examinant further Saith, That money was taken out of the Hold twice before he came away, as he believes for that they made two Shares or Dividends amongst the Sloop's Crew, as above mentioned, to wit, Kinsey FitzRandolph Sam^l FitzRandolph jun^r Tho^r Edwards Benjamin Moore Joseph Jackson Silas Walker & this Examinant; And this Examinant further Saith, That some time in the Month of October last, he this Examinant sailed from North Carolina in the middletown Sloop afore mentioned—Anderson, Master, That after they were got over the Bar O'crikot Inlet afores^d And on their voyage, Capt Anderson discovered, that this Examinant had got spanish money on board, and then the said Captain told this Examinant, That If he had known it before, he would not have brought him; That when they Arrived at Sandyhook this Examinant went on Board a sloop belonging to James Smith Esq^r of Woodbridge in the Province of New Jersey and arrived at Woodbridge on the 16th of October: That the next morning this Examinant Sent for Mary Jackson jun^r the sister of Joseph Jackson before mentioned, and gave to her the Letter before mentioned directed to James Jackson, and six pieces of Eight: That on Monday Sen'night last he delivered to the said Mary Jackson jun^r Two hundred & seven pieces of Eight more, before Robert FitzRandolph, Hartshorne FitzRandolph, Mary Jackson Sen^r & mercy Smith, That Hartshorne Fitzrandolph became Security to See the afores^d pieces forth Coming when ever they Should be Demanded. And this Examinant further Saith, That out of his this Examinant's Share of the said money he laid out at New York sixty eight pieces, That he lent to one James Codington Twenty five pieces, To James Pike thirteen pieces, to Robert Fitzrandolph five pieces, to Isaac FitzRandolph three Pieces, That he Changed with one Pollocks fifteen pieces for Jersey money; and that the Remainder of the said pieces are now at this Deponents place of Abode, to wit, at the House of Robert FitzRandolph in Woodbridge

This Examination was read over
distinctly to William Waller, who
said it was right and True, Taken WILLIAM WALLER
this fifth day of November 1750
Before us *Samuel Nevill* James Smith

A True Copy Examined by Samuel Nevill

At a Council Held at Burlington on Wednesday y^e 13th
February 1750

Present

His Excellency the Governor

| | |
|--------------------------|------------------------|
| M ^r Reading | M ^r Hude |
| M ^r Alexander | M ^r Leonard |
| M ^r Rodman | |
| M ^r Johnston | M ^r Saltar |

His Excellency laid before the Board the Message from
the House of Assembly of the 12th of February by M^r
Smith & M^r Wetherill

And Desired the Advice of Council thereon

Then His Excellency laid before the Board the Message from
the House of Assembly of the 11th of February Instant by
M^r Van middlesworth & M^r Fisher

And desired the Advice of Council thereon

At a Council held at Burlington on Monday the 18th of
Febry 1750

Present

His Excellency the Governour

| | |
|--------------------------|-------------------------|
| M ^r Reading | M ^r Hude |
| M ^r Alexander | M ^r Johnston |
| M ^r Rodman | M ^r Saltar |

His Majesty's Council gave their Opinion in respect to the
Petition of Samuel FitzRandolph as follows.

May it please your Excellency

In Obedience to yo^r Excellency's order in Council of the fifth instant referring to us, the Petition of Samuel FitzRandolph Late Master & owner of the Sloop Mary and the Examination of William Waller, a mariner on Board the said Sloop & two Letters from Samuel Nevill Esq^r one of the Judges of the Supreme Court of this Province and Deposition of Samuel FitzRandolph Kinsey FitzRandolph Benjamin Moore and Silas Walker, which last three were also Mariners on Board the said Sloop—In Order to Consider the papers aforesaid and to Report to Your Excellency what we should think proper for your Excellency to do therein.

We beg leave humbly to report to yo^r Excell^y that we have considered the said papers and sent for Samuel Nevill together with James Smith Esq^m of woodbridge before whom the said Depositions were taken & examined them as what further they heard or know Concerning the Matters in the papers aforesaid and upon the whole are of Opinion that there is great Reason to Suspect every one of the Mariners on Board the said Sloop to have been Guilty of Robbery and Piracy and some to suspect even the Petitioner, and Therefore that the prayer of the Petitioner be not granted.

But on the Contrary, That your Excellency should give order to y^e Judges of the Supreme Court or one of them to Cause the Master & Mariners of the said Sloop to be apprehended & brought before them or him, and that they be Separately & privately Examined Concerning the Piracy and Robbery afores^d and that Care be taken that neither of them have any opportunity to Confer with one another from the beginning of the said Examination till it be finished and particularly how they came away from Carolina, for what reason was the said Sloop seized there, what proceedings had been there against them & the said Sloop, and whatever further Questions may be thought necessary for the Discovery of the Truth; And if upon the papers referred to us, and from what shall be discovered by the said Examinations, it shall

appear that there is sufficient reason to suspect the said Master & Mariners or either of them to have been Guilty of Piracy & Robbery or either of them that then they be Committed till Delivered by due Course of Law: And that in the meantime the pieces of eight Confessed by the said Will^m Waller to have been taken out of the Hold of the said Sloop, after they had been Laden therein by the Spaniards together with the Proceeds of the Effects bought by him with such pieces of Eight be Secured in the hands of And^r Johnston Esq^r His Majesty's Receiver General & Treasurer of the Eastern Division of New Jersey until further Order, and that the utmost Secrecy be Observed in this matter until the said Suspected Criminals be Apprehended.

Feb^r 17. 1750

A true Copy from the Minutes of Council

CHA READ Secry

Also as to the Message from the House of Assembly of the 11th instant by M^r Van middlesworth and M^r Fisher as follows.

May it please your Excellency

In Obedience to your Excellencys Order in Council of the 13th Instant referring to us, the Petition of Joseph Bonney and the message of the House of Assembly to Your Excell^y of the 11th Inst. for our Advice thereon.

We have Considered the same and the Answer of Thomas Leonard Esq^r to the matters therein Alledged against him, and if what he Answers be true, it does not appear to us, That he is guilty of the neglects & breaches of Duty alledged Against him, but as we are no proper Judges of such Facts, alledged by the said Message on the one hand, and avoided or denied by y^e said answer on the other part; We are humbly of Opinion, that your Excell^y do lay the same Answer before the House of Assembly in order that they may reply to the said Answer and point out & Insist on such Facts, denied by it, as they shall think proper, and if those insisted

on, shall appear to us, to be in any way a breach or neglect of Duty Incumbent on him to have performed, We shall then Humbly Advise your Excellency, to order the Attorney General to File an Information against him for the Tryal of the Truth of the Facts insisted on, and when M^r Leonard is found Guilty, or Acquitted of those Facts, We can with safety finally Advise your Excellency in this matter.

We are

Your Excellency's

Most Obedient hum : Servants

February 17. 1750

A true Copy CHA READ Sec^y

Also as the Message from the House of Assembly of the 12th Instant by M^r Smith and M^r Wetherill as follows

May it please Yo^r Excell^y

In obedience to Your Excellency's Order in Council of the 13. Instant referring to us, the Message of the Assembly to Your Excell^y of the 12 Instant Concerning William Deare.

We humbly Report to Your Excellency that we sent for the said [William Deare] who brought John Deare his Father, whose Depositions we took in the following words

John Deare of the City of Perth Amboy, being duly sworn on the Holy Evangelists, on his Oath, declared, that his son William Deare, was above twenty six Years ago born at Middle town point in the County of Monmouth and two Years afterwards this Deponent removed to the County of Middlesex where he hath ever since resided, and his said son with him, till of Age fit to be put Apprentice, and as such he served William Oaks of New Brunswick Merchant in the said County of Middlesex, That after his Apprenticeship was out, he Attended the business of Andrew Johnston Esq^r at his Mills in said County of Middlesex, for about four Years, from Sometime in 1743 to sometime in 1747, That for sometime afterwards he lived with this Deponent in Middlesex

County, where this Deponent esteems his Place of Residence has ever since been tho' at sometimes he assisted M^r Walton of New York, in his business But was at Liberty at any time upon two months Notice, to leave M^r Walton, That his said son has not been any one time since he went to M^r Walton, so much as a year out of the County of Middlesex, and that During that time he was four or five times in the County of Middlesex, with this Deponent for several weeks at a Time. That long above three Years before the 22^d of January last, this Deponent Granted to his Said son, a firm Deed for a Freehold in the County of Middlesex and believes he is Still thereof Seized in Fee simple And further saith not

Sworn the 14th Day of February } JOHN DEARE
1750 before

The aforesaid William Deare being Duly Sworn, Saith, he has heard read the above Deposition of his Father and believes it to be true. And saith he is now seized of & never sold or Disposed of the Freehold granted to him by his Father as above is mentioned; and further saith not

Sworn the day and year above } WILLIAM DEARE
before

We also humbly report to your Excellency, that as it is a point of Law, whether, on the Facts in the said Depositions set forth, the said William Deare was a Resident for three Years before the 22^d of January last, the Date of his Commission as Sheriff we requested the Opinion of the Judges of the Supreme Court thereon which Opinion they have given us in the following words.

' At the Request of His Majesty's Council of the Province
' of New Jersey for the opinion of the Judges of said Province,
' whether (on the Facts appearing in the Deposition of John
' Deare Esq') William Deare Esq' Sheriff of Middlesex, hath
' been Resident in the said County, pursuant to the Law of
' the said Province in that Case made and provided? We

‘have taken the same into Consideration and are of Opinion,
‘that we are in Duty bound rather to Consider the word
‘Resident, by the Construction of the Law, than in that sence
‘which it may have obtained by Common Parlance.

‘Preambles to Acts are generally said to be the Keys to such
‘Acts; but neither the Title nor the Preamble to the Act in
‘Question, gives us, the Least light therein. If we are to
‘Judge of the meaning of the word, Resident, by y^e Acts of
‘Assembly of this Province *The Act to Explain what shall
‘be a Legal Settlem^t & Passed in the 13th year of His
‘Present Majesty’s Reign, makes Residency & gaining a set-
‘tlement, Synonimous Terms; And in the first enacting
‘Clause of the said Law, (among many other Qualifications
‘for obtaining a Settlement) it expressly declares, That no
‘Person shall be deemed Resident, or be entitled to a settle-
‘ment, in any Town & who hath not lived in one House or
‘Family one full year, or Served an Apprenticeship by
‘Indenture in such place & In all which Cases such Person
‘shall be Accounted a Legal Settler & And the Second and
‘Third enacting Clauses of the said Law, further shew, the
‘Congruity of the words Resident & settlement; where it
‘provides, that upon a persons Removing from one Town to
‘another in this Province, such person, Shall, in a months
‘time after such Removal procure a Certificate from the
‘Officers of the Town from whence he Came owning &
‘acknowledging him †Properly to belong to, and to be a
‘Resident thereof And thereby, the Act plainly Demonstrates,
‘that tho’ a person shall remove from one Town to another
‘and actually dwell and Continue there for a twelve month,
‘Yet by vertue of that Certificate, he shall be esteemed prop-
‘erly to belong to and to be a Resident in the place from
‘whence he so removed and where he had obtained a Settle-
‘ment. And the overseers of the Poor of the City of Perth
‘Amboy would have been oblided to have given him a
‘Certificate thereof if required

* Laws of the Province 13 Geo : 2. 418. 419.

† Ibid

'The Law of the Province therefore having generally used
'the word Resident in this sence, we shall next proceed to
'Consider how far William Deare hath been Resident in the
'County of Middlesex three Years immediately preceding his
'obtaining a Commission as Sheriff of the said County and
'how far he hath lost his Residency therein by Living with
'M^r Walton of New York.

'It appears first by the Affidavit of John Deare, that
'William Deare, his son, was a Freshholder in the County of
'Middlesex, above three Years, and that he believes he is so
'Still; and by the Affidavit of William Deare, it also appears,
'that he is at present a Freeholder in the said County, and
'hath been so three years before the 22^d of January last
'(the Time of his obtaining the said Commission) It appears
'further by the Oath of John Deare, That William Deare
'served an Apprenticeship with M^r William Ouke at New
'Brunswick in the County of Middlesex in this Province;
'and afterwards was retained several Years in the service
'of Andrew Johnston Esq^r in the same County, from which
'services he obtained a legal Settlement in said County of
'Middlesex According to Act of Assembly. And from the
'Facts Contained in the said Affidavit of John Deare The
'said William is at present legally settled in the said County
'of Middlesex: Nor Could he have been legally settled in
'any other County of this Province, had he lived with any
'person Inhabitant of such other County, under the same
'Agreem^t with those Entered into with M^r Walton of New
'York, since it appears by the aforesaid Affidavit of John
'Deare, that the said William, was at liberty, at any time,
'to leave m^r Walton's service on two months Notice, and was
'near¹ absent from the County of Middlesex one whole year.
'Now we would remark, that for the Obtaining a Settlement
'by the Laws of England, the Authorities expressly declare
'*that there must be an absolute hiring for a year Certain,
'without reserve, and an actual service of one whole Year.

*viner R. 8. Title Settlem^t of the Poor.

¹ Never.

'We come next to Consider how far his Freehold aforesaid, may gain him a settlement and Residence.

'It was Resolved That wherever a person came to look after his own Estate, he was Settled & not removeable
'‡ Living in a Parish where one hath Lands, makes a settlement; and the Law takes Notice of Freeholders, such as Chuse Members of Parliament and are Jurors.

'Both these William Deare could undoubtedly do.

'§ N. P. was born and lived till he was of Age in the Parish of S^t Clear, afterwards he goes into S^t Neets, and lives with a Gentleman there as his Servant for eighteen Months, then returns to S^t Clear, the place of his Freehold but never resided there, after this, for forty days together, On a Dispute of his Settlement Adjudged, to belong to S^t Clear, (where his Estate lay) and to S^t Neets altho' he had been a hired Servant there for Eighteen Months

'* N rented an Estate of 100£ 3 ann in Sowton, and lived there some Years with his Family; he had at the same Time an Estate in his own right at Sydbury but never lived forty days successively in Sydbury where his Estate lay; Adjudged that his settlement was at Sydbury where his Freehold was, and not at Sowton where he had lived some Years and rented 100£ 3 ann.'

'By the Statute of the 8 H. G. ch. 7 it is enacted, that Knights of the Shire Shall be Chosen by Persons Dwelling and Resident in the same County, having a Freehold of Forty Shillings 3 annum, and that they which shall be Chosen shall be Dwelling & Residents in the said Counties; Yet is it well known, that the uncontroverted Custom of England, is, that Persons living in one County, frequently pass into another, where their Freehold lie, to give their votes for such Knights of the Shire; and that even the Persons so Chosen often live in London or other parts of Kingdom remote from the Counties for which they are

†10. Mod 481. Viner R S. 871. The King against the Parish of Burdeur.

‡ Ibid. 872. Riship Parish agst Hanow Parish.

§ The King agst the Inhabitants of St Neets and St Clear Vin. R. S.

* the King agst the Inhabitants of Sowton & Sydbury Vin. R. S. 874.

'Elected; From all which it is evident, that the Parliam^t of
'England, as well as the Judges of the Courts of Common
'Law, have always esteemed every person to be Resident
'where his Freehold lays

'Upon the whole, we are humbly of Opinion, that William
'Deare Esq^r hath been Legally a Freeholder and Resident in
'the County of Middlesex for three years immediately be-
'fore the 22^d of January 1750 at which Time he Obtained
'his Commission of Sheriff of the County of Middlesex.

We are your Honours

Most Obedient Humble Servants

SAMUEL NEVILL

CHARLES READ

February the 16th 1750.

And we do further humbly report to Your Excellency that
we unanimously agree in Opinion with the Judges that
William Deare Esq^r was a Freeholder and Resident in the
County of Middlesex for three years next immediately pre-
ceding the Date of his said Commissions.

A True Copy from the Minutes of Council

CHARLES READ Secy

His Excellency was pleased to Nominate

Stephen Crane as Judge of the Pleas for the County of
Essex

Nathaniel Johnston of Newark Garret Garrets Vanwagener
of Aquakanonk Justices in said County of Essex.

William Pancoast a Justice of the Peace in Burlington
County.

That Hugh Dunn be a Justice of the Peace in Cumberland
County.

To all which Nomination the Council Agreed

At a Council held at Burlington on Friday 22^d of February 1750

Present

His Excellency the Governor

| | |
|--------------------------|-------------------------|
| M ^r Reading | M ^r Johnston |
| M ^r Alexander | M ^r Kemble |
| M ^r Rodman | M ^r Leonard |
| M ^r Hude | M ^r Saltar |

His Excellency Nominated Lawrence Hoff and Peter Prane to be Justices of the Peace in the County of Hunterdon. Also Michael Demott Justice in said County and Humphrey Wady as a Judge in Monmouth County

Application was made by the Justices of the Supreme Court for shortening the Term & altering the Times of holding the Circuit Courts

Whereupon this Board Advised His Excellency to Issue an Ordinance for holding the Courts of Nisi Prius, in the Counties where the same have been usual as also in the Counties of Cumberland and Morris, and that the Time of holding the said Courts be appointed by the Justices of the Supreme Court at their Terms and that Notice of such Time be notified in the Publick Newspapers and to Limit the Terms of the Supreme Court to five days unless there be occasion for holding them Eight days by Reason of Multiplicity of business and that the Causes arising in Cape May be Tryed at Cumberland

Compared by

CHA READ D Secr^y

The Proceedings of His Majesty's Council at a Session of the General Assembly for the Province of New Jersey Met At the City of Perth Amboy

May 21st 1751

Present.

| | |
|----------------------------|--------------------|
| James Hude | } Esq ^r |
| And ^{rw} Johnston | |
| Thomas Leonard | |

His Excellency Came into Council And having Com-manded the Attendance of the House of Assembly, they Attended When His Excellency was pleased to make the fol-lowing Speech,

Gentlemen of the Council and of the General Assembly

There having lately been a Choice of A New Assembly¹ I have Judged it necessary to the Kings Honour and Service, As well as for the Real Intrest of the Province to Meet you as Soon as Conveniently Might be

Gentlemen of the Assembly

As it is more peculiarly your Privilege and your Duty to Make the necessary and Sufficient Supplies for payments of the Debts of the Province, and for the Support of His Majesty's Government Over you, I must desire you wisely and Prudently to Consider the pressing and Distressing Cir-cumstances this Province Is brought to, by an Empty Treas-ury for near two years past, and that while Justice is circu-lating between Man and man, and Private people are obliged, by the Law of the land, to pay their Debts one to Another

¹ Members of the new (18th) Assembly: From *City of Perth Amboy*—John Stevens, John Johnston; *Middlesex*—John Wetherill, Shobal (Shebawl) Smith; *Monmouth*—Robert Lawrence, James Holmes; *Essex*—John Low, Robert Orden; *Somerset*—J. Van Middleswardt, Hendrick Flaier; *Bergen*—Derick Dey, Cornelius Van Vorst; *City of Burlington*—Charles Read, John Deacon; *County of Burlington*—William Cook, Barzillai Newbold; *Gloucester*—William Mickle, Joseph Ellis; *Salem*—William Han-cock, John Brick; *Cape May*—Aaron Leaming, Jacob Spleer; *Hunterdon*—William Mott, John Embley (Emley).—*Proceedings of N. J. Hist. Soc.*, V., 51.

the Creditors of the Province have been left without Remedy and for no Other Cause but from the Difference in Opinion between his Majesty's Council and the Late House of Assembly as to the Manner of raising of Monies; Surely this Can be no Substantial Reason for Stopping the Course of Publick justice at Least a Bill ought to Pass In security to all that have Claims upon y^e Province.

And as I am sure there Cannot be set before you a better Example for your Proceedings in the Publick Affairs than that of the Honourable House of Commons of Great Britain I must Observe to you, that it is their Constant Practice, first of all to Vote to His Majesty an ample Supply of Money, for Payment of the Publick Debts and for the necessary Support of the Government and thereafter to Consider of ways and Means for Raising the said Monies, and this has always proved a happy Means of Securing the just Dues of the Subjects and thereby of Preserving peace and good order between the Legislature and the People

Gentlemen of the Council and of the General Assembly I Doubt not but you are now Come together with good Dispositions and Resolutions to Do all In your Power for the Support of the Kings Government and for the Happiness of this Province, As I have once and again Mentioned to former Assemblies, So I now Do to you, that In all your Debates and Deliberations, I heartly wish the Most Pleasing Harmony and Agreement, and I Shall Chearfully put the last hand to your Wise Results In what I have now Mentioned to you.

Perth Amboy

J. BELCHER

May 21. 1751.

Wednesday May 22^d 1751

The House Met Present

| | | |
|--------------|---------------------------|--------------------|
| James Hude | And ^m Johnston | } Esq ^r |
| Peter Kemble | Thomas Leonard | |

The House Continued till

Thursday May 23^d 1751

The House Met

Present the same.

The House Continued till

Friday May 24th 1751

The House Met

Present As Above

The House Continued till

Saturday May 25th 1751

The House Met Present

| | | |
|--------------|---------------------------|--------------------|
| James Hude | And ^r Johnston | } Esq ^r |
| Peter Kemble | Thomas Leonard | |

The House Continued till

Wednesday May 29th 1751

The House Met Present

| | | |
|-----------------|---------------------------|--------------------|
| James Alexander | Peter Kemble | } Esq ^r |
| James Hude | And ^r Johnston | |
| Thomas Leonard | | |

The House Continued till

Thursday May 30th 1751

The House Met Present

| | | |
|-----------------|---------------------------|--------------------|
| James Alexander | And ^r Johnston | } Esq ^r |
| James Hude | Thomas Leonard | |
| Peter Kemble | Richard Saltar | |

A petition from the Prisoners for Debt in the Goal of Middlesex County for an Insolvent Act, was brought In by the Door keeper, And read and ordered A Second Reading

M^r Fisher and M^r Stevens from the Assembly brought up a bill Intituled An Act to Enable the Legislature to Settle the Quotas of the Several Counties in this Colony in order for Levying of Taxes from time to time as Occasion may Require for the payment of the Public Debts for the Support of Government and Defraying the Contingent Charges thereof

Which Bill was Read and Ordered a Second Reading.
The Board Adjourn^d to five o'Clock in y^e afternoon

In the Afternoon the Council Met

Present as In the Morning

His Excellency Came into Council and Gave the following Message

Gentlemen of the Council and of the General Assembly You may Remember that In the Last Session of the late Assembly one Joseph Bonney¹ then a Prisoner in Somerset Goal, Made his Application to this legislature for some Redress under his Difficult Circumstances and I have this day received his repeated Complaint of the Severity of his Case which I now lay before you and upon Reading it I believe you will think it will well become this legislature as fathers of the people to make a thorough and Effectual Examination into the matter, and this I Desire you to do by a joynt Committee of the Council and Assembly as soon as the More Necessary Affairs of this Session are Dispatched and when it is Considered how long the man has been held in Durance, I hope this Court will not rise before they do what may be proper on their part for his relief or that he may In Some Other Court Obtain Justice.

J. BELCHER

¹ N. J. Archives, VIII., Part I., 104.

M^r Vanmiddlesworth and M^r Smith from the Assembly brought up a Bill Entituled an Act for Naturalizing Philip Young Henry Croo Johannes Fisher Jacob Winnacher¹ Michael Shuatterly and Jacob Kemper which Bill was read and ordered a Second Reading

The Bill Entituled to Enable the legislature to Settle the Quotas of the Several Counties in this Colony was Read a Second time and Committed to a Committee of the whole House

M^r Leaming and M^r Deacon from the Assembly brought up a Bill Intituled An Act for the Revival and Continuance of an Act Entituled an Act for the Relief of Poor Distressed Prisoners for Debt which was Read and Ordered a Second Reading

Friday May 31st 1751

The House Met Present as Yesterday

M^r Kemble Chairman of the Committee to whom the bill Entituled An Act to Enable the legislature to Settle the Quotas of the Several Counties in this Colony was Committed Reported the Same without Amendment

Ordered that the Said Bill be read a third time

Which was Read Accordingly and the Question being put whether the said Bill Shall pass or not,

Resolved Unanimously that the Same Do pass

Ordered that the Speaker do Sign the Same

Ordered that M^r Kemble do Acquaint the House of Assembly that the Bill Entituled an Act to Enable the legislature to Settle the Quotas of the Several Counties in this Colony In order for Levying of Taxes from time to time as Occasion may require for payment of the Publick Debts for Support of Government and defraying the Contingent Charges thereof Passed this House without any Amendment

The Bill Entituled an Act for Naturalizing Philip Young

¹ Winaeker

Henry Croo and Others was Read a Second time and Ordered to be Committed

The Bill Entituled an Act for the revival and Continuance of an Act Entituled An Act for the Relief of poor Distressed prisoners for Debt was Read the Second time and ordered to be Committed

M^r Kemble reports that he had Obeyed the Above Order

Monday June 3^d 1751

The House Met

Present

| | | |
|--|---------------------------|--------------------|
| The Hon ^{ble} James Alexander | Peter Kemble | } Esq ^m |
| James Hude | And ^m Johnston | |

M^r Lawrence and M^r Smith from the House of Assembly brought up a Bill Entituled an Act for the Support of Government of his Majesty's Colony of New Jersey for two years to Commence the tenth Day of August one thousand Seven Hundred and forty Nine And to End the tenth Day of August one thousand Seven Hundred and fifty one and to Discharge the Public Debts and the Arrearages And Contingent Charges thereof which was read and ordered a Second reading

Tuesday June 4th 1751

The House met Present

| | | |
|--|---------------------------|--------------------|
| The Hon ^{ble} James Alexander | And ^m Johnston | } Esq ^m |
| James Hude | | |
| Peter Kemble | Thomas Leonard | |

The Bill Entituled an Act for the Support of the Government of his Majesty's Colony of New Jersey was read a Second time and Ordered to be Committed

M^r Leonard from the Committee to whom the Bill Entituled

an Act for Naturalizing Philip Young Henry Croo Johannes Fisher Jacob Winnacker Michael Shuatterly and Jacob Kemper was Referred Reported that the Committee had gone thro the Same, and Made one Amendment thereto which he was Ready to Report when the House will Please to Receive the Same

Ordered that the report be made Immediately Whereupon he Read the amend[ment] In his place and Delivered the Same In at the Table.

Ordered that the Said Amendment be read a Second time and the Amendment being read a Second time, was agreed to by the House and ordered to be Engross'd

The Bill Entituled an Act for Naturalizing Philip Young Henry Croo Johannes Fisher Jacob Winnacker Michael Shuatterly and Jacob Kemper with the Engross'd Amendment being read [a] third time and the Question Put

Resolved that the Same as Amended do pass

Ordered that the Speaker do Sign the Same

Ordered that M^r Leonard do Carry the said Bill with the Amendment annexed to the House of Assembly and Desire their Concurrence to Said Amendment,

M^r Leonard from the Committee to whom the Bill Entituled an Act for the revival and Continuance of an Act Entituled an Act for the Relief of Poor Distressed prisoners for Debt was Referred reported that the Committee had gone through the Same and made one Amendment thereto, which he was ready to Report when the house will please to Receive the same

Ordered that the Report be made Immediately

Whereupon he read the Amendment and Delivered the Same In at The table

Ordered that the Said Amendment be Read a Second time and the Amendment being Read a Second time was agreed to by the House and ordered to be Engross'd

The Bill Entituled an Act for the Revival and Continuance of an Act Entituled an Act for the Relief of poor Dis-

tressed prisoners for Debt with the Engrossed Amendment being read a third time and the Question Put

Resolved that the same as Amended do pass

Ordered that the Speaker do Sign the same

Ordered that M^r Leonard do Carry the said Bill with the amendment annexed to the House of Assembly and Desire their Concurrence to Said Amendment.

P. M.

The House Met

Present as in y^e Morning

M^r Leonard reported that he had Obeyed the Order of this Morning

M^r Hude from the Committee to whom the Bill Entituled an Act for the Support of the Government of his Majesty's Colony of New Jersey was Committed Reported the Same without Amendment

Ordered that the Said Bill be read a third time

Which was Done Accordingly and the Question being put whether Said Bill pass or not

Resolved that the Same do pass

Ordered that the Speaker do Sign the Same

Ordered that M^r Hude do acquaint the House of Assembly that the Bill Entituled An Act for the Support of the Government of his Majesty's Colony of New Jersey for two years to Commence the tenth Day of August One thousand Seven Hundred and forty Nine and to End the tenth Day of August one thousand Seven Hundred and fifty one and to Discharge the publick Debts and Arrearages and Contingent Charges thereof Passed this house Without any Amendment

M^r Alexander having Insisted in the Committee to which this Bill was Referred, on three amendments thereto, which he thought Material, now Dissents to the Passing of this Bill without those Amendments and Requests Time to Draw the

Reasons of his Dissent, and that those Reasons may be Entred on the Minutes of this House, which request Is Granted by this House.

M^r Hude Reported that he had obeyed the above Order

Wednesday June 5th 1751

The House Met Present as Yesterday

Reasons for M^r Alexanders Dissent

In the Committee upon the Bill for Support of Government M^r Alexander having Moved to leave out these words in the Bill viz, Sheet 2^d line 4. 5. and 6/ *To Charles Read Esq^r for the use of Richard Partridge Esq^r Agent of this Colony at the Court of Great Britain or to the Agent for the time being appointed by the House of Representatives and In place thereof to Incerit, to Such Agent or Agents for this Colony at the Court of Great Britain as Shall be appointed by Legislative Act*

M^r Alexander now Dissents to the Passing the Said Bill without that amendment for the Reasons at length assign^d in the Minuets of this House on that point In October 1749 he Conceiving the Said Amendment to be now as necessary as it was then, and the Reasons then assign^d to be now Equally Strong, for the Making that amendment, or rather Stronger but he is Sorry that the Minuets of the Council of that Session are not brought here, from Burlington at this time that he might add here what further Reasons do now Occurr to him which do not Appear there, he is unwilling here to mak any Repetition

M^r Alexander now Dissents to the Clause Concerning the Chief Justice for Reasons at the Said Sessions of 1749

M^r Alexander Concerning the Warrants for Money to be Drawn now Dissents to the words in Council, and Insists that words, by and with the advise and Consent of the Council, be put in the place thereof pursuant to the Directions by

of his Majesty's Commissions and Instructions to his Excellency

M^r Fisher and M^r Smith from the House of Assembly brought back the two Bills, the one Entituled an Act for Naturalizing Philip Young Henry Croo, Johannes Fisher, Jacob Winnacker, Michael Shuatterly and Jacob Kemper And the other Entituled an Act for the Revival and Continuance of an Act Entituled an Act for the Relief of poor Distressed prisoners for Debt and Acquainted this House that the Assembly had Agreed to their Amendments to Said Bills and had Engross'd the Same, which they Delivered In at the Table which new Engrossments being Compared with the former Bills and Amendments are now Signed by the Speaker

Thursday June 6th 1751

The House Met Present

| | | |
|---------------------------|----------------|--------------------|
| James Hude | Peter Kemble | } Esq ^r |
| And ^m Johnston | Thomas Leonard | |

His Excellency Came into Council and having by the Clerk informed the House of Assembly that he was in the Council Chamber ready to Receive the Address of that House

They Attended and Delivered their Address in the following Words Viz.

To His Excellency Jonathan Belcher Esq^r Captain General and Governor in Chief in and over His Majesty's Province of New Jersey and Territories thereon Depending In America, Chancellor and Vice Admiral In the Same &

The Humble Address of the House of Representatives of the Colony of New Jersey, in General Assembly Convened

May it please your Excellency

We His Majestys dutiful and Loyal Subjects the Representatives of the Colony of New Jersey, agree with your Excellency it is more peculiarly our priviledge to make the Necessary Supplies and in our Opinion to Direct the Method

of doing it for payment of the Public Debts, and for the Support of Government and when the true Ends of Government are fully answered, and the officers kept Strictly to their Duty in the Execution of the Laws, it then becomes a Duty Incumbent on us, in behalf of the People, to make Provision for the Support of the Government, as the gratefull Acknowledgment of an Obligated People; and we wish we Could say those true Ends have been fully Answered, yet Nevertheless, we have passed a Bill to Enable the Legislature to Settle the Quotas of Each respective County In this Colony, as a Necessary previous Step for Supplying the Treasury: Which Bill is of the Same Tenor with Seven Bills of the like kind passed by the late Assemblies, Saving only that we have added to the present Bill, a Declaratory Clause to Discover our Intent of taxing Lands hereafter according to value in Quantity and Quality between limited sums to be hereafter fixed, and that all lands Purchased from a larger Survey or Patent, Shall be Esteemed a Separate Tract, which being the proper business of a Taxation Bill, was not Explained by Either of the said Seven Bills; Besides which Bill, We have also passed a bill for Support of Government wherein as ample Provision is made as Usual.

As to what your Excellency recommended with respect to the Practice of the Honourable House of Commons of Great Britain, we may reply, that we have done All at Present In our Power Consistant with Prudence and Justice not only for Supplying the Treasury, but also for payment of the Public Debts, and for Supporting the Government, and More than this we Cannot Suppose that August Body Ever do upon the like Occasions, However, we Shall always Endeavour to imitate their wise Examples as Near as the Nature of our Affairs and Circumstances of the Colony will admit, which we find have been done by former Assemblies and Particularly at a Sitting in October 1749. And while we are on this Subject permit us, with Submission, to remark that there Cannot be set before your Excellency a better Example; than that of our Gracious Sovereign, whose Royal Authority is

always Exerted in the Speedy Redress of Grievances And Should be glad your Excellency was of Opinion, that your Power of doing the like is not Limited by the Royal order, Especially so as to Render you unable to Remove a Justice of the Peace without the Advice and Consent of His Majestys Council; notwithstanding which we humbly Conceive your Excellency may Remove Such Justice or other Officer for Such Reasons as were Pointed out to by a late Assembly And for Such Other good and Sufficient Cause to be Signified unto his Majesty and to his Commissioners for Trade and Plantations,

From the whole Tenor of our Conduct this Sitting We Presume your Excellency must be Convinced, we Came together with the good Dispositions and Resolutions you Seemed not to Doubt of by your Speech, and that we have Endeavour'd for a good Agreement among the Branches of the Legislature and from your Excellency's former readiness In Passing Bills, we have no Reason to Doubt but you will put the finishing Hand to those we have passed this Sitting, And to Such other, as we shall hereafter think proper to pass for the good of the Colony. And we hope you'll yet Redress Such Greivances as the late Assembly did, And we do think proper to [be] redressed to the End the Laws of the Colony may be Duly regarded, as a Standing Invariable Rule for the Good Government thereof.

By Order of the House

CHARLES READ Speaker

Several of the Members being of the people }
Called Quakers agree to the Substance of }
this Address with their Usual Exceptions }
to the Stile }

His Excellency Gave his Assent to the following Bills

An Act for the Support of Government of his Majestys Colony of New Jersey for two years to Commence the Tenth Day of August 1749 and to End the tenth Day of August 1751 &

An Act for the Revival and Continuance of an Act Entitled An Act for the Relief of poor Distressed prisoners for Debt.

An Act for Naturalizing Philip Young Henry Croo, Johannes Fisher Jacob Winnacker Michael Shuatterly and Jacob Kemper

An Act to Enable the Legislature to Settle the Quotas of the Several Counties in this Colony in order for Levying Taxes from time to time as Occasion May require for Payment of the Publick Debts for Support of Government and Defraying the Contingent Charges thereof.

Then His Excellency made a Speech to Both Houses

Gentlemen of the Council and of the General Assembly

The 28th of Last month I had the Honour to Receive a Letter from his Grace the Duke of Bedford, one of his Majesty's Principal Secretaries of State of the 21st of March last which is Couch'd In the following Terms

White Hall March 21st 1751

Sir

It is with Great Concern that I am Now to Acquaint you with the Death of His Royal Highness the Prince of Wales,¹ who Expired of A Violent Plowritick² Fever about 10 o'Clock last Night the Greif upon this Occasion upon this Melancholy Occasion is great and General It is howsoever A great Comfort to His Majesty's faithfull Servants, to find that his health is Entirely Reestablished and that her Royal Highness the Princess of Wales, and all the rest of the Royal Family, are as well as can be Expected in the present Circumstances, I most heartily Condole with you upon this unfortunate Occasion and am

Sir your most Obedient

Humble Servant

Governor Belcher

BEDFORD

New Jersey

¹ Frederick, father of George III.
² Pleuritic.

The Death of this prince, who next under his Majesty was the Darling and Delight of the British Nation, has Drawn a Gloomy Scene for the Prospect of all his Majestys Dominions; and I think it my Duty to Say, I shall be Glad to joyn with you as Speedily as may be in an Address of Condolence to our Most Gracious Sovereign upon this Very Melancholy Occasion and at the Same time to Congratulate His Majesty upon the Entire Reestablishment of his Health after his late Indisposition the Value of whose precious life is Doubly Enhanced to all his good and faithfull Subjects by the Death of the late Heir Apparent to His Crown and Kingdoms

Perth Amboy

J. BELCHER

June 6th 1751

M^r Low and M^r Hancock brought from the Assembly the following Message

June 6th 1751

Ordered that M^r Low and M^r Hancock wait on his Excellency and also on the Council and Inform them that the house have Appointed M^r Fisher M^r Spicer M^r Stevens and M^r Ogden to be a Committee to Conferr with his Excellency and a Committee of the Council at Such time and place as his Excellency Shall Appoint in Preparing an Address to his Majesty Agreeable to His Excellency's Speech and that M^r Speaker is Directed to assist therein

THO^r BARTOW Clk

Ordered that M^r Hude and M^r Kemble be a Committee to Conferr with His Excellency and the Committee of the Assembly at Such time and place As his Excellency Shall Appoint in Preparing an address to His Majesty Agreeable to his Excellency's Speech

Ordered that M^r Johnston and M^r Leonard wait on his Excellency with A Copy of the Above Order

Ordered that M^r Leonard Acquaint the House of Assembly of the Above order

M^r Johnson Reported that M^r Leonard and himself had Delivered the Above Message to his Excellency who requested that the Committees would Meet and prepare a Draught of an Address and Communicate the Same to him

Ordered that M^r Leonard do further acquaint the House of Assembly that M^r Johnson and himself had waited on his Excellency with the above Message and that his Excellency was Pleased to desire that the Committees would meet and prepare a Draught of an Address and to Communicate the Same to him Therefore Ordered that the Meeting of Said Committee be at Seven o'Clock this Evening at the House of the Widow Sarjanta.

M^r Leonard Reported that he had Obeyed the above Orders

Friday June 7th 1751

The House Met

Present as Yesterday

M^r Fisher and M^r Spicer brought up from the Assembly the following Message

June 6 1751

Ordered that Fisher and M^r Spicer wait on the Council and acquaint them that this House have no Business at present before them Except the Address to His Majesty and that as the Season of the year makes it Necessary for the members to attend their Domestick affairs, if the Council have nothing of Importance to lay before the House, they Intend to Desire his Excellency to Dismiss them as Soon as the Address Shall be finished

THO^s BARTOW Clk

Ordered that M^r Hude do acquaint the House of Assembly in answer To their Message of yesterday by M^r Fisher and M^r Spicer that this House has no Objection to their Desiring

his Excellency to Dismiss them as Soon as the Address Shall be finished.

M^r Hude Reported that he had Delivered the foregoing Message to the Speaker of the Assembly the House not being met

In the Afternoon the Council met

Present as in the Morning

M^r Hude and M^r Kemble from the Committee Appointed to Conferr with his Excellency and a Committee of the Assembly in preparing an Address to His Majesty agreeable to his Excellencys Speech yesterday Reported that they had met a Committee of the Assembly and had prepared A Draught of an Address to which his Excellency had agreed and which they now lay before this House

Ordered that the Same be Read, which was done Accordingly

Ordered that M^r Johnston do Acquaint the House of Assembly that the Draught of the Address to his Majesty agreed on by his Excellency and the Committee of both Houses was agreed to by this House and that this House Agrees that it be Engross'd

Two Copies of the Engross'd Address was Read and Approved of

Ordered that the Speaker of this House do Sign the Same after His Excellency in behalf of this House, which Address Is in the following words

To His Most Sacred Majesty George the Second by the Grace of God King of Great Britain France and Ireland and
The Humble Address of the Governor Council and General Assembly of your Majesty's Province of New Jersey

We your Majestys most Dutiful and Loyal Subjects in most humble Manner, beg leave to Lay ourselves At your

feet, Condoling with you on the Melancholy Occasion of the Surprising and unexpected Death of his late Royal Highness, the Prince of Wales. The Cutting off of Such a Principal Branch of your Royal House as it must most Tenderly affect your Majesty. It also Presents a Most Gloomy Scene to all the British world, and altho we are So Distantly Removed from your Royal Presence, yet So Signal a Loss to your Majesty and to the Nation has Seized our Dutifull and Loyall Hearts, with A Grief we Can hardly find words to Express.

It is quite out of our Power to Draw the Character of this great Prince of your Royal Lineage nor Dare we to Attempt it: But must Content Ourselves in a Silent Admiration of the Variety of his Princely and private Virtues. We think it a Duty Incumbent on us, with the Greatest humility and Resignation to Submit to the Dispensations of Divine Providence Who has Permitted this Heavy Calamity to fall upon your Majesty and the British Subjects, and at the Same time that we Presume to lay the Imperfect Expressions of our Real and Hearty Sorrow at your Majestys Feet, we Esteem it a Duty we Owe to God and to your Majesty to Congratulate you, upon your Happy Recovery to a firm State of Health after your late Indisposition, For the Continuance Whereof

And that your Majesty may Long live Going on in the Glories of your Reign, Admired and Respected by all the Princes and Powers of Europe And at the Same time, Still Reigning at Home In the Hearts and Affections of a Most Dutifull and Loyall People,

And that there may Never be Wanting a Prince of your Royall house to Inherit your virtues and your Kingdoms. Is and Shall be the Continual Subject of our Ardent Prayers to the God of all Power and Mercy

We are May it Please your Majesty

Your Majestys

Most Loyal and

Most Dutifull Subjects

J BELCHER Gov^r

Perth Amboy
In the Province of New Jersey
June 7th 1751

JAMES ALEXANDER Speaker by
order and in behalf of his
Majestys Council
By order of the General Assembly
CHARLES READ Speaker

Mr Johnston Reported that he had Obeyed the Above
Order

At a Council held at Perth Amboy May 30th 1751

Present
His Excellency Jonathan Belcher Esq^r

| | | |
|-----------------|----------------|--------------------|
| James Hude | Peter Kemble | } Esq ^m |
| Andrew Johnston | Thomas Leonard | |

His Excellency laid before the Board a Letter from the
Duke of Bedford of Janry 10th 1750 51 Relating to the
Spanish Wreck Lost last fall on the Coast of North Carolina,
on which he Desired the Opinion of this Board

His Excellency also Laid before the Board a Letter from
the Duke of Bedford of Febry 1st 1750 1 Relating to the
Treaty of Peace lately made with the King of Spain

His Excellency also laid before the Board a Letter from
the Duke of Bedford of March 21 1750 51 Notifying the
Death of the Prince of Wales.

At a Council held June 6. 1751

Present
His Excellency Jonathan Belcher Esq^r

| | | |
|-----------------|----------------|--------------------|
| James Hude | Peter Kemble | } Esq ^m |
| Andrew Johnston | Thomas Leonard | |

His Excellency laid before the Board the Bill Intituled an Act to settle the Quotas of the Several Counties in this Colony &c that pass'd the Council and Assembly this Session, which was Read and Also His Majesty's 84th Instruction. His Excellency then desired the opinion of this Board, whether the Governor's Assenting to said Bill, will be Inconsistent with said Instruction.

Of which the Board prayed time to Consider

In the Afternoon the Council met Present as in the morning M^r Hude Delivered to His Excellency the Opinion of this Board to the Question he proposed to them this Morning in the following words—

May it Please Your Excellency

In Obedience to your Excellency's Order in Council of this Day, desiring our Opinion whether your Excellency's Assenting to the Quota Bill as it now stands past by the Council and Assembly would be Inconsistent with His Majesty's 84th Instruction

We humbly Report that tho' the said Bill in the shape it was Seven times sent up by the former Assemblies to the Council before this Session was in our Opinion inconsistent with the said Instruction But with the Provisoe and Explanation now Added at the End of the said Bill, it does not now Appear to Us to be inconsistent with the said Instruction, We are

Your Excellency's most humble Servants

JA: ALEXANDER AND^r JOHNSTON

JA: HUDE, PETER KEMBLE, THO^r LEONARD

Council Chamber

June 6. 1751.

His Excellency nominated Samuel Stout of Hunterdon County to be Appointed a Justice of the Peace for said County whom the Board Approved of

His Excellency Laid before the Board a List of Persons

Recommended to him to be Appointed Judges and Justices for Monmouth County, whom whom the Board Approved of and are as follows

| for Judges. | for Justices | |
|-----------------|---------------------|---------------------|
| Jonathan Forman | Thomas Woodward | Corneluis Vandever |
| John Bown | Robert Montgomerie | Jeremiah Borden |
| John Anderson | Stephen Pangburn | Garret Morford |
| Humphry Wadie | Amos White | Guisbert Longstreet |
| David Rhe | France Deuse | David Curtis |
| John Nevill | Joseph Stillwell | |
| | William Hendrickson | Timothy Ridgway |

A true Copy

CHA READ Secry

Proceedings of His Majestys Council for the Province of N. Jersey

Pursuant to an adjournment.

Monday 16. 7ber 1751.

The House Mett.

Present.

| | | |
|-----------------------------------|--------------------------|--------------------|
| The Hon ^{ble} Jno Rodman | Tho ^s Leonard | } Esq ^r |
| Sam ^l Hude | Rich ^d Saltar | |

His Excellency Came into Council, & having by the Clerk of the Council, Commanded the attendance of The House of Representatives,¹ They attended, when his Excellency was pleased to make the follow^s Speech.

¹ For list of members of the Eighteenth Assembly see page 291 *ante*. Richard Wood succeeded John Brick, of Salem. See original Minutes of N. J. Assembly, in the library of the N. J. Hist. Soc.

Gentlemen of the Council & of the General assembly.

It is with much pleasure & satisfaction, That I look Back upon the Kind & friendly Intercourse that subsisted among you during the last session & which was productive of happy consequences, for the better security of the Government of this province, & of the welfare of the people.

Gentlemen of the General assembly.

as this is the time set for a return from the several Counties of Lists, of the Taxable Estate of the province, I hope you will Immediately proceed upon such a Bill as may be Necessary for paying off the Debts of the Government & for the future support whereof. I am glad to find by the Minutes of your House, that you have in some Measure anticipated me in what I had Intended to have said to you on this Head by your having already appointed a Committee, to bring in a Bill for the support of the Government; your Readiness & alacrity in this matter I Look upon as an Instance of your Duty & Loyalty to the Best of Kings; because it must have a Tendency to the Better establishment of the Honour & Dignity of his Majestys Government in this province & it also Shews the Just regard & Care you are taking to prevent any Cry of Injustice from the officers of the Government for want of their Just Dues, & while I am on this Head I think it my Duty to recommend to you the Extending of this Bill to some reasonable Time for the avoiding Tedium Journeings & Long attendance upon the frequent Sittings of the assembly, which must be a ditriment to your private affairs: & also an occasion of making the Taxes more heavey & Burthensome upon the people.

Gentlemen of the Council & of the General assembly.

I depend you will go thro' these material Things with Diligence & Dispatch & with a desireable unanimity and if after they are Compleated you have anything to Lay before me that may Contribute to his majestys service & Interest, & to the prosperity of the people I shall chearfully give attention

to it, having no aim's or views in the Course of my administration but to make this a happy & Flourishing Province

J. BELCHER.

Burlington 16th Sept^r 1751.

A message from the House of assembly by M^r Hancock & M^r Devion.¹

Ordered that M^r Lawrence M^r Cook M^r Leaming M^r Mickle & M^r Wood² be a Committee to join a Committee of the Council to inspect the Treasurers acco^m & also to inspect & Burn the Cancell'd Bills & make report to the House, & that M^r Devion & M^r Hancock do inform the Council Thereof, & Desire them to appoint a Committee for that purpose.

by order of y^e House

SAM^l SMITH Cl^k

Tuesday 17th Sept^r 1751.

The House Mett. Present.

The Hon^{le} Jn^o Reading

| | | |
|------------------------|--------------------------|--------------------|
| Jn ^o Rodman | Tho ^o Leonard | } Esq ^r |
| Sam ^l Hude | Rich ^d Saltar | |

order'd That M^r Rodman M^r Saltar, & M^r Leonard or any two of them be a Committee, to join a Committee of the House of assembly to inspect the Treasurers acco^m & also to inspect & Burn the Cansell'd Bills, that the Committee meet at the House of Jn^o Trapnell, in the City of Burling^a on Thursday next at 4 O'Clock in the afternoon for that purpose. order'd that M^r Leonard do acquaint The House of assembly therewith.

The House Contin^d

¹ Deacon.

See note on page 310.

Wednesday 18th Sept^r

Present

| | | |
|-----------------------------------|--------------------------|--------------------|
| The Hon ^{le} Jno Reading | Jam ^s Hude | } Esq ^r |
| | Tho ^s Leonard | |
| Jn ^o Rodman | Rich ^d Saltar | |

M^r Leonard Reported that he had obeyed the above order.

Thursday 19th Sep^r

Present

The House Mett

| | | |
|---|--------------------------|--------------------|
| The Hon ^{le} Jn ^o Reading | James Hude | } Esq ^r |
| Ja ^s Alexnder | | |
| John Rodman | Tho ^s Leonard | |

M^r Hancock & M^r Wood from the House of assembly broug^t in a Bill, entitled an act for erecting a Toll Bridge over Salem Creek. The Bill entitled an Act for erect^g a Toll Bridge over Salem Creek, was read a first Time & order'd a Second Reading.

Friday Sep^r 20.

The House Mett. Present as before

The Bill entitled an Act for erecting a Toll Bridge over Salem Creek, was read a Second Time & Committed to The members of this House, or any Three of Them.

M^r Leonard Chairman reported the Bill wth sundry amend^{ts} which being twice read were agreed too & order'd to be engross'd. The Bill with the engross'd amendments being read a Third Time, Resolv'd that the same do pass order'd that the Speaker do sign the same with the amendments order'd that M^r Leonard do carry the s^d Bill with The amend-

ments to the house of assembly, & acquaint them That this House have pass'd the said Bill, with sundry amend^m to which they desire the Concurrence of That House.

A message from the assembly in the follow^s words order'd That M^r Embly, & M^r Holmes do Carry the Bill entitled a supplement, to an act entitled an Act to Encourage the Killing of Wolves, & Panthers to the Council for Concurr^e

Septem^r 20th 1751.

SAM^l SMITH Cl^k

The Bill entitled a Supplement to an Act, entitled an Act to encourage the Killing of Wolves & Panthers &^e was read a first time & order'd a Second Reading.

A message from the Assembly in the follow^s words order'd That M^r Devion & M^r Ellis, do Carry the Bill entitled an Act to repeal part of an Act entitled an Act to Impower Sundry of the Inhabitants &^e to the Council & desire their Concurrence to s^d Bill. By order of y^e House

Septem^r 20th 1751.

SAM^l SMITH Cl^k

The Bill entitled an Act to repeal part of an Act, entitled an Act to impower Sundry of the inhabitants &^e was read a first Time & order'd a Second reading

Saturday 21 Sep^r 1751

Present

The House Mett

| | |
|---|--------------------|
| The Hon ^{le} Jn ^o Reading | } Esq ^r |
| Jam ^s Alexander | |
| Jn ^o Rodman | |

The House Con^c

The House Mett. Monday 23^d

Present as above with M^r Johnston, & M^r Saltar

The House Contin^d

¹ To erect a draw bridge over Cooper's creek. See Nevill's Laws of N. J., I., 439.

Tuesday 24 Sep^r 1751

Present

| | | |
|---|---------------------------|---------------------|
| The Hon ^{le} Jn ^o Reading | And ^r Johnston | } Esq ^{rs} |
| Jam ^s Alexander | Peter Kemble | |
| John Rodman | Rich ^d Saltar | |

Lewis Ashfield Esq^r presented to this House, his majesty's Royal mandamus, for his admission into the Council of this province, in the following words.

George R. Trusty & wellbeloved we greet you well, we being well satisfied, of the Loyalty, integrity, & ability of our trusty & wellbeloved Lewis Ashfield Esq^r have thought fit hereby to signify our will & pleasure to you that forthwith upon the receipt hereof, you Swear & admitt him the said Lewis Ashfield to be one of our Council, of that our province of New Jersey in america, in the room of Rich^d Smith Esq^r Dec^d & for so doing this shall be your warrant, & so we bid you farewell, given at our Court of S^t James's the 8th day of May 1751 in the 24th Year of our Reign.

by his Majesty's Command

BEDFORD.

Lewis ashfield Esq^r to be
of the Council of New
Jersey }

engrossed Thus¹

To our Trusty & wellbeloved Jonath^a Belcher Esq^r our Cap^t General & Governour in Chief of our Province of Nova Seesaria or new Jersey in america, & in his absen^{ce} to our Command^r in Chief, or to the presedent of our Council, of our s^d province for the time being—also acquainted this House, that he³ had waited of his Excellency the Govern^r yesterday & this morning, at both which times, he had presented the s^d mandamus to the Gover^r after which he had a letter in the follow^e words.

¹ With omissions.

² Mr. Ashfield, doubtless.

Sir

I have read the Kings mandamus, for appointing you a member of his majesty's Council of this province, & am sorry to have so good reason, to Defer your admittance at present; for I have been made acquainted, as his Gover^r of this province, that at the Last Supream Court, held at Perth Amboy; there was a bill of indictment¹ found against you by a Grand Jury, of the County of Middlesex for Damning the Kings Laws, & Express in such a mann^r as if you were inclined to withdraw the Loyalty & allegiance you owe to his Majesty, if this be true, my Duty to the King as the representative of his Royal person in this Government, obliges me to tell you, that I cannot admit of your being a memb^r of his majestys Council here, untill you have acquitted your self of a Charge so Derogatory to his majestys Honour his Crown & Dignity & so full of Contempt of his good & wholesom Laws, for the Government of this province. given under my hand at Burlington 24th Sep^r 1751.

J. BELCHER.

To Lewis Ashfield Esq^r

all which he submitted to the Consideration of This House. This House taking the s^d matter into consideration, order'd that M^r alexander & M^r Kemble do wait on his Excellency with the s^d letter, to know of him wether it be his hand writing. M^r Alexander & M^r Kemble being returned, reported that they had produc'd the s^d Letter to his Excellency & he acknowledged the same to be his hand writing.

The House Continu'd

Wednesday 25th Sep^r 1751.

Present

| | | |
|---|---------------------------|--------------------|
| The Hon ^{le} Jn ^o Reading | And ^r Johnston | } Esq ^r |
| Ja ^s Alexander | Peter Kemble | |
| John Rodman | Rich ^d Saltar | |

¹ See N. J. Archives, VII., 612.

This House having Maturely consider'd the papers Laid before it by M^r Ashfield.

Resolv'd That this House has a right to the assistance of Those whom his majesty has Commanded to be sworn & admitted members Thereof.

Resolv'd that this House has right to enquire

1st by what authority from his Majesty it is that his Excellency has refus'd to admitt M^r Ashfield, to be a member of his Majesty's Council, when by his Majestys mandamas he is Commanded forthwith upon the receipt thereof to swear & admitt him.

2^{dly} This House has a right to Examin into the Truth & sufficiency of his Excellencys Reason for the Refusal aforesaid.

Resolv'd that an Humble address be presented to his Excellency to request of him.

1st To lay before this House for their Consideration Coppys of all such Papers, as he has Conceiv'd have autoriz'd his refusal to admitt M^r Ashfield, pursuant to his majesty's Mandamus.

2^{dly} That his Excellency would be pleas'd to Lay before This House, for their Consideration, Coppys of The proofs that his Excellency has rec^d of the facts alledg'd by him, to support his reasons, for his Refusal aforesaid.

Resolv'd That the said address be forthwith presented to his Excellency, by M^r Kemble & M^r Saltar.

M^r Kemble & M^r Saltar being return'd reported that they had waited on his Excellency with a Coppy of the above but his Excellency refus'd to receive it, or to permit it to be Left in his House.

A message from the assembly in the follow^g words order'd that M^r Ogden, & M^r Johnston, do carry to the Council, the Bill entitled an Act to restrain Tavern Keepers, & others, from Silling strong Liquors to servants Negroes & mullatto slaves, from meeting in Large Company's & desire their Concurrence Thereto.

The House Contin^d

Thursday Sep^r 26 1751

The House Mett

Present

| | | |
|---|---------------------------|---------------------|
| The Hon ^{le} Jn ^r Reading | And ^m Johnston | } Esq ^{rs} |
| James Alexander | Peter Kemble | |
| John Rodman | Rich ^d Saltar | |

This House resuming the consideration of the affair of M^r Ashfield & his Excellencys refusal to receive the address of this House, do conceive them to be matters of great moment, and will be consider'd off, before Coming to any resolutions Thereon, and as a more full House is Expected on Tuesday next agreed that the Consideration Thereof, be then resum'd.

The Bill entitled an Act to restrain Tavern Keepers & others from Selling Strong Liquors to servants Negroes & molatto Slaves, & to prevent Negroes & Mullatto Slaves & was Read a first time & order'd a Second Reading.

A message from the assembly in the follow^s words, order'd that M^r Hancock, & M^r Wood, do Carry the Bill entitled an act for erecting a Toll Bridge over Salem Creek, to the Council, together with the several amend^{ts} there to, & acquaint them that this House do agree to the 1st & 5th & have made an additional amend^t to y^e 6th & adhere to the Bill in the other parts—and the said additional amendment, to the 6th amend^t of this House, being Twice read is agreed too, by the House of assembly, & order'd the same to be engross'd as amended.

The Bill entitled a supplement to an act, entitled an Act to encourage the Killing of Wolves &c was read a second Time & committed to the members of this House or any three of them.

The Bill entitled an act to repeal part of an act, entitled an act to Impower Sundry of the Inhabitants &c was read a Second Time & committed to the members of this House, or any Three of Them.

order'd That M^r Kemble be added to the Committee appointed on Tuesday 17th Sep^r Concerning the Treasurer's accounts &c

The House Contin^d Till

Friday Sep^r 27th 1751.

The House Mett

Present.

| | | |
|---|---------------------------|--------------------|
| The Hon ^{le} Jn ^o Reading | And ^m Johnston | } Esq ^r |
| James Alexander | | |
| John Rodman | Peter Kemble | |

The engross'd Bill entitled an Act, for erecting the Bridge over Salem Creek, into a Toll Bridge, was examin'd & Compared & by order of this House sign'd by The Speaker.

order'd That M^r Kemble do carry the same to the House of Assembly, with the former Bill & amend^m of Both Houses, & acquaint them that this House had agree'd to their amendment, of the 6th amend^t of this House, & receded from their other amendments, not agreed too, by the House of assembly, & engross'd Examin'd & sign'd the same, in order that the same be examin'd by the House of assembly, & sign'd by their Speaker.

M^r Kemble from the Committee to whom the Bill entitled a Supplement, to an act, entitled an act to encourage the Killing of Wolves & Panthers was committed reported the same without amendment.

order'd That the said Bill be read a Third Time, which was done accordingly, & the Question being put wether the s^d Bill shall pass or not.

Resolv'd That the same do pass.

order'd That the Speaker do sign the same.

order'd That M^r Kemble do acquaint the House of assembly, that the Bill entitled a supplement to an act entitled an act, for the Killing of wolves &c pass'd This House, without any amendment.

M^r Kemble from the Committee to whom the Bill entitled an act, to repeal part of an act entitled an act to impower sundry of the Inhabitants & was Committed reported the same, without amendment.

order'd That the s^d Bill be read a Third Time, which was done accordingly & the Question being put, whether the said Bill shall pass or not,

Resolv'd That the same do pass.

order'd That the Speaker do sign the same

order'd That M^r Kemble do acquaint the House of assembly that the Bill, entitled an act to repeal part of an act, entitled an act to Impower sundry of the Inhabitants & pass'd this House without any amendment. The Bill entitled an act to restrain Tavern Keepers & others from selling strong Liquors to servants, negroes & was read a second Time, & Committed to the Members of this House, or any three of them.

The House Cont^d

The House Mett

Tuesday octob^r 1 1751.

Present

| | | |
|---|---------------------------|---------------------|
| The Hon ^{le} Jn ^o Reading | Ja ^s Hude | } Esq ^{rs} |
| Ja ^s Alexander | And ^w Johnston | |
| John Rodman | Peter Kemble | |

M^r Kemble reported that he had obey'd the Three orders of this House, on Friday Last.

Octob^r 2^d

The House Mett

Present

| | | |
|---|---------------------------|---------------------|
| The Hon ^{le} Jn ^o Reading | And ^w Johnston | } Esq ^{rs} |
| John Rodman | Peter Kemble | |
| James Hude | Tho ^s Leonard | |

A message from the assembly in the follow^s words
 ordered That M^r Newbold & M^r Deacon do carry to The
 Council the Bills entitled an Act for Explaining & amending
 an act of the General assembly, and an act to Vest the Mayor,
 Recorder, Aldermen & commonalty of the City of Burlington
 with the Ferry &° & Desire their Concurrence to the said Bills.

M^r Kemble from the Committee to whom the Bill entitled
 an act, to restrain Tavern Keepers & others from Selling
 Strong Liquors to servants negroes & molatto slaves &° was
 Committed reported The same without amendment

order'd That the s^d Bill be read a Third Time which was
 done accordingly, & the Question being put, wether the said
 Bill shall pass or not.

Resolv'd That the same Do pass

order'd That the speaker do sign the same

order'd That M^r Hude, do acquaint the House of assembly
 That the Bill entitled an Act to restrain Tavern Keepers, &
 others from selling Strong Liquors to Servants, Negroes &
 Molatto Slaves &° pass'd This House without any amendment

The Bill entitled an act to Vest the Mayor, Recorder
 Aldermen & Comanalty of the City of Burlington with The
 Ferry &° was Read a first Time & order'd a Second Reading.

The Bill entitled a Supplementary Act, to the Act, entitled
 an Act for Explaining & amending an Act, of the General
 assembly, was read a first Time & order'd a Second Reading.

The House Continu'd

Thursday octob^r 3^d 1751.

The House Mett.

Present

| | | |
|---|---------------------------|--------------------|
| The Hon ^{le} Jn ^o Reading | And ^m Johnston | } Esq ^r |
| Jam ^s Alexander | Peter Kemble | |
| John Rodman | Tho ^s Leonard | |
| James Hude | Rich ^d Saltar | |

The Speaker Laid before the House a paper from his Excellency The Governor, which was Read & is in the Following Words.

at the Council Chamber Whitehall 30th July. 1751.

By a Committee of The Lords of his Majesty's most Honourable Privy Council.

Whereas the Lords of the Committee of Council this Day took into Their Consideration, a report made by the Lords Commissioners for Trad, & Plantations, upon the state & Condition of his, Majestys province of New Jersey in america, whereby it appears, That many & great outrageous & Riotous proceedings, have been carried on for some years past, by several of the Inhabitants, of that Province, that the goals have been Broken open, by Large Bodies of people, & persons free'd & sett at Liberty, & that the power of the Government has not been sufficient, to put a Stop thereto, in regard the assembly did not concur with the proposals repeatedly made to them by the Governor, & Council, for strengthening their Hands & Bringing the offenders to Justice, that the reasons assign'd for the Cause & foundation of these Violent proceeding as appears by three Petitions of the Possessors of Land, in Essex Middlesex & Somersett, referr'd by his majesty to this Committee and the apprehensions They are under of being Turned out of the possessions of their Lands, which they alledge to have been purchas'd by their ancestors & Themselves, from the Indian Sachems the original possessors of all the Lands There, several Ejectments having been brought against them for that purpose

The Lords of the Committee upon Consideration Thereof were of opinion that It would not only be Necessary, but Expedient on this occasion, to cause a Strict Enquirey to be mad into the True & real cause & foundation, of all those Disturbances, and to that End were pleas'd to order that his Majestys attorney & solicitor General should Consider of proper Methods to be Taken for enquireing into the Grivences of the Kings Subjects in This province relateing to their

possessions, & Look into the precedents & Commissions, That have at any Time been Issu'd of Like occasions, & That they should prepare a proper Draught, of a Commission to be Issu'd for that purpose.

Leaving Blanks Therein for the names of such persons as his Majesty, shall be pleas'd to Nominate Commissioners & Lay the said Draught before this Committee with all Convenient speed.

and Their Lordships do think it further Necessary to order, as it is hereby order'd That the Lords Commissioners for trade & plantations, do prepare & Lay before this Committee, a Draught of an additional Instruction, for his Majesty's Governor of New Jersey, upon the follow^g Heads. 1st for Expressing his Majestys Displeasure at the conduct of The assembly, in not assisting the Government to suppress The Violent & outrageous proceedings of several of the Inhabitants, Tho' repeatedly Call'd upon by the Governor & Council to Concur in proper measures for that purpose; and also (for signifying his Majestys Expectations, that the assembly shall hereafter Contribute their best endeavours, as well by support^g The Government, as by other proper Methods, for reestablishing, & preserving The peace & Tranquillity of the Province.

2^d To Inform all the Inhabitants that his majesty out of his Tender Regard for their Wellfare, & as a means to put a Stop, to the continuance of such outrageous proceedings for the future; hath been graciously pleas'd to order a Commission to be pass'd under the great Seal, Impowering proper persons to Enquire into the Cause & foundation, of all the Greivances Complain'd off, & to make a return thereof to his Majesty, that his further will & pleasure may be signify'd Thereupon.

3^d to Declare to them that his Majesty hath under his Consideration, the granting an Act of Indemnity to all those who shall appear to have meritted the same; & to recommend in strong termes, to all his Majestys Subjects to behave them-

selves in such manner That peace & good order, may be preserv'd for the future.

Coppy of The order of the Lords Committee of Council, on the affair of New Jersey.

To the Gentlemen of His Majestys Council, For the Province of New Jersey.

The Memorial of Lewis Ashfield

Gentlemen.

on the 24th of September Last your memorialist Laid before you, his Majestys Mandamus dated 8th Day of May, 1751 Signifying his Majestys will & pleasure, to his Excellency our Governor, that forthwith upon the receipt Thereof he should swear & admit your Memorialist, to be one of his Majestys Council of this province of New Jersey, your Memorialist also at the same time, Laid before you his Excellencys Letter to your Memorialist, Signifying his refusal to swear & admit your Memorialist, with his reasons for his refusal, which papers your Memorialist was Inform^d were enter'd on your Minutes. your Memorialist was also Inform'd that you address'd his Excellency to Communicate to you, his power from his Majesty to make such Refusal & the proofs he had of the reasons assign'd by him, That you might enquire into & consider The matter; but that his Excellency was pleas'd to refuse to permitt you to Deliver to him your address, or to Leave it in his House. as before your Memorialist receiv'd his Excellencys Letter, he never Imagined That any man had call'd or would Call his Loyalty to his Majesty in question, or the principles of his ancestors, Relations, & his own Education, & offices in this Government were too well known, to Leave room for any Man to attempt it, & as his Excellency notwithstanding these things has by his s^d Letter enter'd in your Minutes, done it & refus'd you the Means, to enquire into the truth, or probability of the matter, your Memorialist Thinks it his Duty, to Lay the Truth of That Matter before you and it is Thus.

Your Memorialist being in the Company of two other Gentlemen, at the House of John Pridmore at Crumbury,¹ on the 4th of August Last, & about to mount Their Horses to Depart, one other of the Gentlemen swore an oath, whereon a Man Came out of the House, & Took your Memorialist by his Shoulder Saying I fine you for Swearing, whereupon your Memorialist being provoak'd at the assault, & rudeness of The Man, did swear an Oath (then which he is sorry for) & not before, but Recollecting himself, that the Man, must be a Justice of Peace, for none Else by Law, has power to fine for Swearing or to apprehend any for Swearing, without a warrant from a Justice, your Memorialist Call'd the Man, M^r Justice, & asked him how much was to pay for the Oath, & he your Memorialist would pay him, whereupon some person Call'd out, that he was no Justice, but a Constable, & as there fore what he, The Constable had done, was without, & against Law, and had assaulted your Memorialist as before, your Memorialist Thought it then, & Still Thinks it was right, to repell unlawfull force, by Force, & accordingly for that his assault, & Impudence, in assuming upon himself The office of a Justice, to fine your Memorialist, Did give him several blows, with a Horsewhip, taken on sudden from a Gentleman Standing by, & then said these words, Now fine me, but no such words as his Excellency in his said Letter alledges, or to that Tendency, as by five several affidavits of persons who were present During the whole affray, & are ready to be produced may appear; That the Supream Court sat some few days afterwards at amboy, & the Grand Jury brought in a Bill of Indictment against your Memorialist, for saying & uttering these English words following, (God damn you with your Kings Laws) now fine me, & also for an assault & Battery, Committed by the said Lewis Ashfield, upon the s^d Constable, an attested Coppy of which is here, ready to be produc'd to which Indictment your Memorialist has pleaded not Guilty, & Conceives that of The assault & Battery Laid Therein, he ought to be acquitted, because it

¹ Cranberry.

appears by the Depositions That the s^d Constable first assaulted your Memorialist, & Consequently the Battery ensuing must have been the Just Consequence of his own assault, and as to the words your Memorialist is so Consious of his Innocence, with respect to them, That he makes no manner of Doubt of being acquitted by his County of them, because your Memorialist Conceives that the Depositions above mentioned, Intirely Shew his Innocese, as the said Constable, named John Hite, appears by the endorsment, to be the only evidence to support it; who may very Naturely be suppos'd, to be in so great Confusion from the whipping he met with, as not to be able very well to remember, any particular sett of words; and as the people who make The above Depositions, say positively, they heard no such words, & that they verily believe there were none such spoken, and give a very good reason for their Opinion Viz: That they were present all the Time, & so near your Memorialist, That Those words Could not have pass'd without being Heard by them; your Memorialist also Conceives That the words in the Indictment, as they appear to have been upon a sudden Quarrell even if True (which he absolutely Denies) are far from supporting The Charge his Excellency has Laid against him.

That as your Memorialist Conceives his Excellencys refusal of his admission, to be an attack upon the priveledges of his Majesty's Council in General, he humbly submitts it to them to act Therein as They Think proper.

LEWIS M. ASHFIELD.

M^r Ashfield presented to this House the above Memorial, with a Copy of his Indictment & five affidavits,¹ which were read & This House Taking The same into Consideration, & having Consider'd [said] Memorial paragraph by paragraph, with The Depositions & other proofs offer'd, to support it, do find The first Two paragraphs True by our Minutes.

as to the 3^d paragraph, Rich^d Ashfield Esq^r Father of the Memorialist, & Lewis Morris Esq^r late Governor of this province, Grandfather of the Memorialist, were persons well

¹ See N. J. Archives, VII., 619.

known to us, whose Loyalty to his Majesty we never heard Doubted off, Many of the relations of the Memorialist were also well known to most of us, whose Loyalty, we never heard Doubted off, The Memorialist has been for many years Clerk of the County of Monmouth, During good behaviour, & admitted to be an attorney, & Council at Law, upon admission to both which offices, he must have taken The State oaths, & but by this present Charge, never heard his Loyalty Call'd in Question.

as to the 4th Paragraph, the facts thereof we have Carefully examin'd with the five Depositions & Law of the province Concerning Swearing and find That paragraph fully supported by these proofs.

as to the 5th paragraph we find the words of the Indictment to be the same that we set forth, in that paragraph of the Memorial, & that John Hite the Constable is the only Evidence endors'd upon it we find also that every one of the 5 Depositions do agree, that they heard no such words from the Memorialist (as God damn you with your Kings Laws) and all assign'd the reasons, that They were present During the whole affry, and so near to M^r Ashfield, & he spoke so Loud, That had he spoke such words, They must have heard him, which with The other reasons assign'd in the Memorial, we think render it very Improbable at Least, That they should have been Spoken by M^r Ashfield.

As to the 6th paragraph, we are of the Memorialists opinion. order'd That the said Memorial with our above results, be enter'd in the Minutes.

Order'd also That Lewis Ashfield Esq^r have a Copy of what relates to himself if Requir'd

The House Contin'd

Friday Octob^r 4th 1751.

The House Mett.

Present

| | | |
|---|---------------------------|--------------------|
| The Hon ^{le} Jn ^o Reading | And ^m Johnston | } Esq ^m |
| Jam ^s Alexander | Peter Kemble | |
| John Rodman | Tho ^s Leonard | |
| James Hude | Rich ^d Saltar | |

The Bill entitled an act to Vest the Mayor recorder aldermen & Commonality of the City of Burlington with the Ferry &^c was Read a Second Time & Committed to the Members of this House or any Three of them.

The Bill entitled a Supplementary Act, to the Act entitled an Act, for Explaining & amending an act of the General assembly, was Read a Second Time & Committed to the Members of this House or any Three of Them.

M^r Rodman from the Committee to whom the Bill entitled a Supplementary act to the act &^c was Committed reported the same without amendment, order'd that the s^d Bill be Read a Third Time, which was accordingly Done, & the Question being put, wether the s^d Bill shall pass or not.

Resolv'd That the same Do pass.

Order'd That the Speaker do Sign the same.

Order'd That M^r Rodman do acquaint the House of assembly that the Bill entitled a Supplementary act to the act, entitled an act for Explaining &^c pass'd This House without any Amendment.

The House Contin^d

Saturday Octob^r 5th 1751.

The House Mett

Present

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|---|---------------------------|--------------------|
| The Hon ^{le} Ja ^s Alexander | And ^m Johnston | } Esq ^m |
| Jn ^o Rodman | | |
| James Hude | Tho ^s Leonard | |

M^r Rodman reported that he had obey'd The order of yesterday.

A message from the Assembly in the follow^s words.

order'd That M^r Fisher, & M^r Stevens, do Carry the Bill entitled an Act, to prevent the Exportation of unmerchutable flour &c to the Council for their Concurrence.

The Bill entitled an Act to prevent the Exportation of unmerchutable flour, was read a first time and ordered a second reading

The House Contin^d

Tuesday Oct^r 8.

The House Mett

Present

The same.

The Bill entitled an Act to prevent the exportation of unmerchutable flour, to Foreign Marketts was read a second Time, & Committed to the Members of this House, or any Three of Them.

The House Contin^d

Wednesday Octob^r 9th 1751.

The House Mett.

Present

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|------------------------------------|---------------------------|---------------------|
| The Hon ^{le} John Reading | And ^m Johnston | } Esq ^{rs} |
| James Alexander | Peter Kemble | |
| James Hude | Tho ^s Leonard | |

a petition was presented to this House by Bowman Hunlock, setting forth that his father Thomas Hunlock Late Dec^d was possess'd of a grant of the Ferry of Burlington, by Virtue of a patent from W^m Burnett Esq^r Late Governor of this Province.

That he is inform'd that a Bill has now pass'd the House of Representatives, to Devest him of his right therein, & sent up to this House for their Concurrence the petitioner prays this House that they will not give their assent to the said Bill, Till he has a Copy thereof Delivered to him, & reasonable time allow'd to his Council to prepare for his Defence This House taking the s^d petition into Consideration, order'd That Bowman Hunlock, be serv'd with a Copy of s^d Bill. order'd Likewise that the Corporation of the City of Burlington be served with a Copy of the petition, against the Bill if requested & that Tuesday next, at 2 o'Clock P. M be Fixt for the Hearing.

Tuesday Octob^r 10th

The House Mett

Present

| | | |
|---|---------------------------|--------------------|
| The Hon ^{le} Jn ^o Reading | And ^m Johnston | } Esq ^m |
| James Alexander | Peter Kemble | |
| Jam ^s Hude | Tho ^s Leonard | |

M^r Johnston from the Committee to whom the Bill entitled an Act, to prevent the Exportation of unmerchantable flour, was Committed reported the same without Amendment.

order'd that the said Bill be read a Third Time which was done accordingly & the Question being put, wether s^d Bill shall pass or not.

Resolv'd that the same do pass.

order'd That the speaker do Sign the same.

order'd That the Hon^{le} Anderew Johnston do acq^t the House of assembly, that the Bill entitled an act to prevent the Exportation of unmerch^{le} flour pass'd this House without any amendment.

The House Contin^d

The House Mett.

Friday Oct^r 11th 1751.

Present

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|---|---------------------------|--------------------|
| The Hon ^{le} Jn ^o Reading | And ^m Johnston | } Esq ^r |
| Jam ^s Alexander | Peter Kemble | |
| Jn ^o Rodman | | |
| James Hude | Tho ^s Leonard | |

M^r Johnston reported that he had obey'd the order of this House on Thursday Last. The House Con^d

The House Mett

Saturday Octob^r 12th

Present

The same.

Monday Octob^r 14th

The House Mett

Present

The same

The House Cont^d

Tuesday Oct^r 15.

Present

The same

The House Cont^d

Wednesday 16th Oct^r 1751.

The House Mett

Present

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|---|--------------------|
| The Hon ^{le} Jn ^o Reading | } Esq ^r |
| Jam ^s Alexander | |
| John Rodman | |

The Bill entitled a supplementary act to the act entitled an Act to prevent the Killing of Deer out of season, was read a first Time & order'd a second reading.

The Bill entitled an act for naturalizing W^m Evelman, was read a first Time & order'd a second reading. The Bill entitled an act for support of Government &c was read a first Time & order'd a second reading.

Thursday Octob^r 17 1751.

The house Mett

Present

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|------------------------------------|---------------------------|--------------------|
| The Hon ^{ble} Jno Reading | And ^r Johnston | } Esq ^r |
| J ^s Alexander | Tho ^s Leonard | |
| John Rodman | Rich ^d Saltar | |

The Bill entitled a Supplementary act, to the act Entitled an Act to prevent the Killing of Deer out of Season, was read a Second Time & Committed to the Members of this House or any Three of them.

The Bill entitled an act for Naturalizing W^m Evelman, was Read a Second Time, & Committed to the Members of this House or any Three of them.

The Bill entitled an Act for support of Government &c was read a Second Time & Committed to the Members of this House or any Three of Them The House Contin^d

The House Mett

Thursday 17th

3 o'Clock P. M.

Present

as before.

The Bill entitled an Act for the Releiff of Joseph Bonny a poor Distress'd prisoner for Debt in the Goal of the County

of Somerset, was read a first Time & order'd a Second Reading. also The petition & Representation of Mary Force against the passing of the s^d Bill.

The House Contin^d

The House Mett

Friday Octob^r 18th 1751.

Present

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|---|---------------------------|--------------------|
| The Hon ^{le} Jn ^o Reading | And ^m Johnston | } Esq ^m |
| Ja ^s Alexander | Peter Kemble | |
| John Rodman | Tho ^s Leonard | |
| James Hude | Rich ^d Saltar | |

M^r Leonard from the Committee to whom the Bill entitled an act, to prevent the Killing of Deer out of Season was Committed reported the same without amendment, which being Twice read, was agreed too, & order'd to be engross'd.

M^r Leonard from the Committee to whom the Bill entitled an Act for the naturlizing W^m Evelman was Committed Reported the same without amend^t

order'd That the s^d Bill be read a Third Time which was Accordingly Done & the Question being put wether the s^d Bill shall pass or not.

Resolv'd That the same do pass.

order'd That the Speaker do sign the same.

order'd That M^r Leonard do acquaint The House of Assembly that the Bill entitled an act for the naturlizing W^m Evelman, pass'd This House without any amendment.

The Bill entitled a Supplementary Act, to the Act entitled an act to prevent the Killing of Deer out of season &c together with the engrossed amendments, being read a Third time, Resolv'd That the same do pass.

order'd that the speaker do sign the same with the amend^t

order'd that M^r Leonard do Carry the s^d Bill with the amend^t to the House of assembly, & acquaint them, that this

House have pass'd the s^d Bill with one amendment, to which they desire the Concurrence of that House. M^r Leonard reported he had obey'd the orders of this House.

A message from the assembly in the follow^e words

order'd That M^r Emley & M^r Holmes do carry the Bill, entitled a Supplementary Act &^e to the Council together, with the amendment, made to their amend^t of s^d Bill & desire their Concurrence Thereto, & the amendment to the amend^t of this House being twice read. The Council do agree to the s^d amendment & order'd the s^d Bill, with the amend^{ts} of both Houses to be reingross'd. M^r Saltar from the Committee to whom the Bill entitled an Act to Vest the Mayor Recorder, Aldermen &^e was Committed, Reported that the Committee had serv'd the partys Concern'd, with proper Notice, & that yesterday both partys, by their Council Learned in the Law, were heard by the Committee, that upon the whole, the Committee were agree'd to report the same with one ammend^t which being twice Read was agreed too, & order'd to be engross'd

Saturday Oct^r 19. 1751.

Present

The same

The engross'd Bill entitled a supplementary act, to an act, entitled an Act to prevent the Killing of Deer &^e was Examin'd & Compared, & by order of this House Sign'd by the Speaker. order'd that M^r Leonard do carry the same to the House of assembly, with the former Bill & amend^t of both Houses, & acquaint them that this House, had agreed to the amend^t of their amendm^t & had engross'd Examin'd & sign'd the same, in order that the same be examin'd by the House of assembly & sign'd by their speaker.

The Bill entitled an Act to Vest the Mayor, Recorder, aldermen &^e together with the engross'd amend^t being read a Third Time. Resolv'd that the same do pass.

order'd that the speaker do sign the same wth the amend^t
 order'd that M^r Saltar do carry the same, to the House of
 assembly, & acquaint them that this House have pass'd the
 s^d Bill, with one amendment, to which they desire y^e Con-
 currence of that House. M^r Leonard reported that he had
 obey'd the order of the House of this Day. M^r Saltar from
 the Committee to whom the Bill entitled an Act for Releif
 of Joseph Bonny, was Committed, reported the same with
 sundry amend^{ts} which being twice read were agreed too, by
 this House. order'd that said amendment be engross'd.
 M^r Saltar reported he had obey'd the order of this House.
 The House Cont^d

The House Mett

Saturday 19th Oct^r Present, the same

A message from the assembly in the follow^g words.

order'd that M^r Emley & Holmes do carry the Bill, enti-
 tled A Supplementary act, to y^e act entitled an act to prevent
 the Killing of Deer out of Season &^c to the Council &
 acquaint them, that this House have pass'd the same as rein-
 gross'd with the amend^{ts} agreed upon by both Houses.

The Bill entitled an act for the relief of Joseph Bonny &
 together with the engross'd amend^{ts} being read a Third Time

Resolv'd that the same do pass. order'd that the speaker
 do sign the same, with The amendments. ordered that M^r
 Saltar do Carry the same to the House of assembly & acq^t
 them that this House have pass'd y^e s^d Bill together with
 sundry amend^{ts} to which they desire the Concurrence of that
 House. a message from the assembly in the follow^g words.
 order'd that M^r Denion¹ & M^r Newbold do Carry the Bill
 entitled an act to Vest the Mayor, Recorder, aldermen &^c of
 the City of Burling^a with the Ferry &^c to the Council &
 acquaint them, that this House have agreed to their amend^t
 & reingross'd & pass'd the s^d Bill, with the same, which rein-
 gross'd Bill being examin'd, with y^e former Bill & amend-

¹ Deacon.

ment, by this House. order'd that the speaker Do sign the same.

M^r Saltar reported that he had obey'd the order of this House.

A Message from the assembly in the follow^r words.

order'd that M^r Fisher & M^r Van Middlesworth do carry the Bill entitled an act for the releif of Joseph Bonny &^o to the Council, together with the Councils amend^u thereto & acquaint them that this House doth Disagree to the s^d amendments, & adhere to the Bill in the parts amended, which being taken into Consideration, This House unanimously adhere to their amend^u &^o order'd that M^r Saltar do acquaint the House of assembly with the same. M^r Saltar reported that he had obey'd the order of this House.

The House Mett Monday 21 Octob^r Present the same.

M^r Kemble from the Committee to whom the Bill entitled an act for the support of the Governm^t of his Majestys Colony of new Jersey, was Committed, reported the same with Sundry amendments, which being Twice Read, were agree'd too & order'd to be Engross'd.

The Bill intituled An Act for Support of Government &^o Together with the engross'd amendments being read a third Time.

Resolved that the same do pass.

Ordered that the Speaker do sign the same with the amendments

Ordered that M^r Kemble do carry the said Bill with the amendments to the House of Assembly and acquaint them that this House have pass'd the said Bill with sundry amendments To which they desire the Concurrence of that House.

A Message from the Assembly in the following Words

Ordered that M^r Lawrence, M^r Mott, M^r Fisher and M^r Vanmiddlesworth be a Committee to meet a Committee of The Council in a free Conference on the Subject matter of

the Bill entitled An Act for the Relief of Joseph Bonny &
 And that M^r Stevens and M^r Smith do acquaint the Council
 therewith and desire them to appoint a Committee for that
 purpose and appoint Time and place. This House taking
 the same into Consideration Ordered that M^r Kemble do
 acquaint the House of Assembly, That this House have
 appointed M^r Hude and M^r Saltar a Committee to meet the
 Committee of the Assembly at Fretwell Wrights at 3
 O'Clock this afternoon, on a free Conference on the Subject
 matter of the Bill entitled an Act for the Relief of Joseph
 Bonny &

M^r Kemble reported that he had obeyed the several Orders
 of this House on this day. The House Continued

The House met Monday Octo^r 21st 1751

P. M 3 O'Clock. Present. The same

A Message from the Assembly in the following Words

Ordered that M^r Leaming and M^r Dye¹ do return to the
 Council their proposed amendments to the Bill entitled An
 Act for the Support of Government &^e and acquaint them
 that this House doth reject the same Nemine Contradicente
 And adhere to the Bill in the parts amended

This House having considered the Message of Assembly
 of this House by M^r Leaming and M^r Dye with the amend-
 ments which this House made and annexed to the Bill enti-
 tuled An Act for Support of Government &^e & without the
 said Bill itself are Inclined to Suppose that the said Amend-
 ments have been Separated from the said Bill by some Mis-
 take for the Bill & amendments made are one entire thing,
 The parts whereof could not Lawfully be Separated without
 our Consent.

Ordered that M^r Kemble do carry of the above Minute to
 the House of Assembly and request that they would Inform

¹ Dey.

this House how the said amendments came to be Separated from the said Bill, and as that House has rejected the said amendments, That they would send back the said Bill to this House That we may Consider whether we ought to recede from or adhere to our amendments aforesaid. The House Cont^d

The House met Tuesday October 22^d 1751.

Present as before

M^r Kemble reported that he had obeyed the Orders of this House on Yesterday.

M^r Hude from the Committee appointed to meet a Committee of the House of Assembly to confer on the Subject matter of the Bill intituled An Act for the Relief of Joseph Bonny &^e reported that they agreed upon Nothing.

A Message from the Assembly in the following Words

Ordered that M^r Newbold and M^r Wood do carry the Bill intituled an Act for the Relief of Joseph Bonny &^e Together with the Councils amendments thereto to the Council & acquaint them that this House having considered the Report of the Committee on the Conference on the Subject matter of the said Bill and amendments do agree thereto, and adhere to the Bill in the parts amended. The House Continued

The House met

Tuesday October 22^d 1751

3 O'Clock P. M.

Present. The same

Ordered that M^r Saltar do carry back to the Assembly the Bill intituled an Act for the relief of Joseph Bonny &^e Together with the amendments of this House thereto and acquaint them that this House looks upon the said Message

of the Assembly and their sending hither the said Bill and amendments in the Case to be unprecedented, Useless & Irregular.

M^r Saltar reported that he had obeyed the Order of this House


A Message from the Assembly in the following Words

The House taking into Consideration the Message of the Council of Yesterday by M^r Kemble ordered that M^r Lawrence and M^r Leaming do wait on the Council and acquaint them that the proposed amendments to the Bill for Support of Government &c were Separated from the said Bill by the House of Assembly unanimously rejecting them, and as they could be of no Service to this House we knew of no Method more proper, Then the returning them to the Council. That this House has kept the said Bill in order to be presented to His Excellency by the hands of our Speaker, which the Assembly did in Conformity to that August House of Commons of England and the Antient practice of the Assembly of New Jersey. That upon Searching the Minutes of the General Assembly we find Precedents Viz^t April 25th 1722 "The engross'd Bill Entituled an Act for Support of this "His Majestys Government for five Years being read in the "House, The Question being put whether the said Bill as "now engross'd do pass or not it was Carried in the affirmative "Nemine Contradicente

' Resolved that the said Bill do pass

Ordered M^r Kinsey & M^r Ogden do wait on His Excellency and know when this House shall attend him with the Bill for Support of Government for five Years.

M^r Kinsey reported that M^r Ogden and himself had waited on His Excellency accordingly who was pleased to say he would receive them Immediately—M^r Speaker wth the House waited on His Excellency and delivered his Excellency in Council the Bill for Support of this His Majestys Government for five Years which he was pleased to receive, and thank'd the House because it was done with an unusual and



Chearful unanimity That the Instance above mentioned happened during the administration of Governor Burnet, and that M^r Morris (afterwards Governor Morris) presided that day in Council.

That on the 22^d of November 1723, another Bill for Support of Government was delivered to His said Excellency by the Hand of the Speaker as aforesaid.

That the minutes of the House of Assembly of 16th Aug^r 1725, afford us another precedent of the same kind To which Governor Burnet in pathetick and Lively Terms professed his Satisfaction and pleasure and that M^r Alexander was then one of the Gentlemen of the said Council. That the same practice was again repeated on the 4th July 1730, and that two Money Bills were delivered to the Governor on the 15th August 1733. M^r Kinsey being Speaker of the Assembly in these two last Instances. The Continuance of the Legislature in this practice for such a Series of Years when they had the assistance of the Governors Burnet & Morris, M^r Alexander and M^r Kinsey (whose extended knowledge of Government needs no Illustration, we think sufficient precedents to Justify the Assembly respecting the premisses.

Our first sending the Bill in Question to the Council proceeded from that Spirit of Complacency and hearty desire of doing everything in our power to propagate a good Harmony among the Branches of the Legislature.

and Considering the present unhappy Circumstances of this Colony, we were Even willing to suspend some of our Priviledges when that Conduct seem'd to be most Satisfactory to the Council But the Bill returning with such a Train of alterations to the substance thereof sufficiently Convinc'd this House that the Yielding our priviledges was not the way to Establish Harmony, therefore we return'd the said proposed amendments to the Council to whom they seem'd most properly to belong and retain'd the said Bill in Order to present the same by the hands of our Speaker to His Excellency

to be by his said Excellency laid before the Council for Concurrence. This House also considering while the Old and approved Method of presenting the Support Bill to the Governor by the Speaker was in practice it Generally had a much happier Issue, then since it has been omitted for then the Governor had an opportunity of perusing these Bills and consider the reasonableness of them as well as the Council and be a Witness of the Readiness and cheerfulness of the people to Support His Majesty's Government which we conceive is highly reasonable for the Governor as he is so nearly concerned therein whereas on the Contrary if such Bills Were first sent to the Council and they should refuse to pass them, The Governor it is very probable may never read or Consider them.

This House having taken into Consideration the Message of the Assembly of this day by M^r Lawrence & M^r Leaming are Sorry to find thereby, that the Separating our amendments from the Support Bill was not a mistake as we were willing to Suppose but a Deliberate Act of the House of Assembly and are far from thinking that anything in the said Message set forth does Justify that Unprecedented Conduct and we are well assured they cannot shew a precedent of that August House of Commons of England to Countenance such an unlawful Act unless in that House that Voted Kings and Lords useless, nor do we know or ever heard of any such a piece of practice by any Assembly of New Jersey Antient or Modern nor do the precedents cited by the Assembly in the least Countenance such a practice; as to what the Assembly says that they have suspended and Yielded some of their privileges in Complacency to this House

We answer that we never desired them to do so and if they have done so we are far from thanking them, for betraying the Trust the people has reposed in them assuring them we shall be always for maintaining the Rights and privileges of the people.

Ordered that M^r Kemble do deliver a Copy of the above Minute to the House of Assembly.

A Message from the Assembly in the following Words.

Ordered that M^r Emley and M^r Ellis do carry the Bill entituled an Act for Support of Government &c to the Council, that they may Consider whether They ought to recede from or adhere to their amendments pursuant to their Request to this House in their Message of Yesterday.

The House of Assembly having sent to this House the Bill for Support of Government &c pursuant to the Message of this House of Yesterday and this House having maturely Considered the said Bill and amendments of this House thereto do unanimously adhere to the said amendments. Ordered that M^r Kemble do acquaint the House of Assembly with the preceding Minute and do acquaint them that this House requests a Conference on the Subject matter of the said amendments and that this House has appointed M^r Alexander M^r Johnston and M^r Saltar to be a Committee to confer thereon with a Committee to be appointed by the House of Assembly and that the said Committees meet for that purpose at the Sign of the Blue Anchor at the Hour of Eleven to Morrow in the forenoon—Reasons for the amendments made by the Council to the Bill for Support of Government to be delivered by the Committee of this House to the Committee to be appointed by the Assembly on the Conference requested by this House—As to the first amendm^{nt} we refer to the Minute of this House of Oct^r 17th 1749 on a like amendment, of which minute a Copy is annexed with this further that we have reason to believe that Richard Partridge has got into his hands upwards of two thousand pounds Sterling Money, belonging to this Province which was paid to him for what this province advanc'd towards the Expedition against Canada and that by his Letters to the Assembly he has Informed them, that he retains four hundred pounds thereof for services done for the Province and retains Three hundred pounds more for Services to be done, Whereas we neither know nor believe that he has done the least Service to this Province unless defending the Assembly against the Complaint of this

House (found just by the Lords Committee for Plantation affairs) can be call'd of use to this Province, and unless his appearing In behalf of the Rioters can be so. Wherefore we are of Opinion that some other person be appointed Agent by Legislative Act and Impowered to Call that publick Money out of the hands of the said Richard Partridge and that he looks to the persons Employing him for his payment for all Services not for the use of this Province—and as to the 2^d 3^d & 4th amendments they are agreeable to the Directions of His Majesty's Commissions and Instructions to His Excellency our Governor and without such amendments The Bill was repugnant to them in those parts, as to the 5th Amendment we refer to the preamble thereto which in great Measure explains the Reasons of it, with this That if the Limited Sums be so near as by the Bill is proposed to wit at ab^t 4 to One the Declaration at the end of the Quota Bill pass'd last Session w^{ch} declare that Lands should thereafter be taxd according to the Quantity and Quallity¹ is Contradicted & rendered in a great Measure void seeing there is not a County in this Province but what has Lands of twenty times the Value of some other Lands in the same County liable to be tax'd.

and consequently if Lands of the Greatest Value be taxd at the Greatest Sum and the Lands of the least Value at the lowest those Lands of least Value will be tax'd five times as much as they ought.

As to the 6th & 7th amendment we refer to the preamble w^{ch} point out the reason of them with this, That had the Bill past as it stood without these amendments Instead of a Bill for Support of Government, It would have been a Bill Supporting and encouraging the Rioters and a Bill for Inducing or compelling all Lawful Lessees in this Province to throw up their Leases and become Trespassers & Rioters

The House Continued

¹ See Nevill's Laws of N. J., I., 430.

Wednesday October 23^d 1751

The House met Present. as Before

M^r Kemble reported that he had Obeyed the Orders of this House of Yesterday.

A Message from the Assembly in the following Words

Resolved the Council have no Right to amend a Money Bill and therefore this House doth unanimously refuse the Conference propos'd

Ordered that M^r Stevens and M^r Johnston do carry a Copy of the above Minute to the Council

Ordered that the Committee on the Treasurers Accompts have leave to defer making their Report till next Sessions if they Cannot Conveniently do it this Sessions.

And that M^r Johnston and M^r Stevens do wait upon the Council with a Copy of the above Minute, and desire to know if they have any objections against this House Applying to His Excellency to be dismiss'd.

This House taking into Consideration the Resolve of the Assembly that this House has no right to amend a Money Bill are unanimously of Opinion that were their said Resolve true yet it is no sufficient reason to refuse the Conference requested, but that the resolve is not true will evidently appear from all the Royal Commissions to the Governors of this Province since the Surrender of the Government to the Crown, and that we are right in our Construction of those Commissions we have better authority then a meer say so, as appears by a Letter from the Lords Commissioners of Trade and Plantations in the Words following.

Whitehall Aug^t 20th 1741.

"Sir

"We are concern'd to find that notwithstanding what we said in our last to you, which you till us, you Communicated to the Assembly and notwithstanding all your own endeavours to the Contrary they still persist in their Obstinacy of

"refusing to let the Council amend Money Bills to which
 "they have an undoubted Right according to His Majesty's
 "Determination upon the like dispute in the Island of
 "Jamica, we Commend your Zeal in the Steps you have
 "already taken and must Desire you will, on all Occasions
 "Continue the Same Vigorous Opposition to such unwarrant-
 "able pretensions.

"We are your very loving Friends & Humble Servants

M. BLADEN

To the Honble Lewis Morris Esq^r }
 Governor of New Jersey.

R. PLUMER

B. KEENE

JA BRUDENELL

and we further say that if the proceedings of a New Jersey
 Assembly be any Authority it will appear by them that they
 have admitted, the Council had such right and particularly
 by their proceedings of November 29th & 30th 1704 where
 they agree to sundry amendments made by the Council to a
 Money Bill.

Ordered that M^r Kemble do carry to the House of Assembly
 a Copy of the above Minute

M^r Kemble reported that he had obeyed the Orders of this
 House of this day.

Ordered that the Support Bill with the amendments of
 this House annexed with wax, and the Speakers Seal be pre-
 served by the Clerk of the Council as an Evidence belonging
 to this House.

His Excellency came into Council & having sent for the
 House of Assembly Gave his assent to the following Acts.
 Viz^t

1st To an Act to repeal part of an Act Entituled An Act to
 Impower Sundry of the Inhabitants of the County's of
 Burlington and Gloucester &c

2^d a Supplement to An Act Entituled an Act to Encourage
 the Killing of Wolves and Panthers.

3^d An Act for Erecting the Bridge over Salem Creek Into
 a Toll Bridge.

4^{thly} a Supplementary Act to the Act Entituled An Act for Explaining and amending an Act of the General Assembly.

5^{thly} An Act for Naturalizing William Evelman

6^{thly} An Act to prevent the Exportation of Unmerchtable Flour to Foreign Markets

7^{thly} An Act to Ristrain Tavern Keepers and others from Selling Strong Liquors to Servants &c

8^{thly} a Supplementary Act to the Act Entituled An Act to prevent the Killing of Deer out of Season

After wth His Excellency Spoke to the Council as follows.

Gentlemen of the Council

I have inspected the Minits of your proceedings relating to the Kings Mandamus for Admitting M^r Lewis Ashfield to be one of His Majestys Council for this Province and upon proper Consideration had of the Affair I am sorry to be under the necessity of telling you that I am greatly surprized that you shou'd be so Extreemly fond of power and void of good manners in Assuming to yourselves to Intermeddle with a matter which is quite out of your province & Jurisdiction for you shou'd have Considered that the Kings Mandamus is not directed *to the Governour & Council or to the Governour in Council* BUT TO THE GOVERNOUR SINGLY AND ALONE and if any Mistake should have been Committed by me in this matter that I am Accountable to the King my Royal Master but not to any lower Rank or Order of Men.

I therefore take what you have done in this Affair as an unwarrantable freedom & Encroachment on the Authority of His Majestys Royal Commission wth I have the honour to Enjoy as Governour of this Province and Consequently an Indignity (offerd to His Majesty in the person of His Governour and my Duty as Such obliges me thus to Express my Sense of your misconduct in these your proceedings And I have orderd the Kings Secretary of this Province to Enter this in the Journal of the Council where you have Entered your own Minutes of this Affair that so You nor any other

Council of this Province may for the future treat any of His Majestys Governours in so uncommon and Extraordinary a Manner.

Burlington J. BELCHER
October 23^d 1751.

Then His Excellency was pleased to Prorogue the General Assembly of this Province to the 25th day of November next then to Meet at Perth Amboy.

At a Council held at Burlington on Wednesday 18 September 1751

Present
His Excellency the Governor

| | | |
|-------------------------|----------------|--------------------|
| The Honble John Reading | Thomas Leonard | } Esq ⁿ |
| James Hude | Richard Saltar | |

His Excellency by advice of Council sign'd the following Warrants agreeable to Act of Assembly.

- 113 To himself or Order in
part of his Quarters
Salary due 10th November 1749.....£233 „ 10 „ —
- 114 To ditto or order for remainder Quar^r Salary..... 16 „ 10 „ —
£250 „ — „ —
- 115 To himself or Order for a Quarters
Salary due 10th February 1749..... 250 „ — „ —
- 116 To himself or Order for a Quarters
Salary due 10th day of May 1750... 250 „ — „ —
- 117 To himself or Order for a Quarters
Salary due 10th August 1750..... 250 „ — „ —
- 118 To himself or Order for a Quarters
Salary due 10th November 1750..... 250 „ — „ —

| | | |
|--------------------|---|-------------|
| 119 | To himself or Order for a Quarters | |
| | Salary due 10 th February 1750..... | 250 „ — „ — |
| 120 | To himself or Order for a Quarters | |
| | Salary due 10 th day of May 1751... | 250 „ — „ — |
| 121 | To himself or Order for a Quarters | |
| | Salary due 10 th August 1751..... | 250 „ — „ — |
| 122 | To himself or Order for 1 Quarters | |
| | House Rent due 10 th November | |
| | 1749..... | 15 „ — „ — |
| 123 | To himself or Order for 1 Quarters | |
| | House Rent due 10 th February 1749 | 15 „ — „ — |
| 124 | To himself or Order for 1 Quarters | |
| | House Rent due 10 th day May 1750 | 15 „ — „ — |
| 125 | To himself or Order for 1 Quarters | |
| | House Rent due 10 th August 1750 | 15 „ — „ — |
| N ^o 126 | To himself or Order for 1 Quarters | |
| | House Rent due 10 th Novem ^r 1750 | £15 „ — „ — |
| 127 | To himself or Order for 1 Quarters | |
| | House rent due 10 th February 1750 | 15 „ — „ — |
| 128 | To himself or Order for 1 Quarters | |
| | House Rent due 10 th May 1751..... | 15 „ — „ — |
| 129 | To himself or Order for 1 Quarters | |
| | ditto due 10 th August 1751..... | 15 „ — „ — |

His Excellency Nominated Joseph Noble for a Judge of the County Court for holding of Pleas for the County of Burlington and the Council approved of the same provided Doctor Rodman¹ shall assent to it.

At a Council held at Burlington Friday October 4th 1751.

Present

His Excellency the Governor

| | | |
|-------------------------|--------------------------|--------------------|
| The Honble John Reading | Peter Kemble | } Esq ^r |
| James Hude | | |
| Andrew Johnston | Tho ^s Leonard | |

¹ John Rodman, a member of Council not present.

M^r Neilson, M^r Doolhagan, M^r Vandike & Others the Inhabitants & Freeholders of the Upper part of the County of Middlesex exhibited a petition and other papers of Complaint against Jediah Higgins Esq^r One of His Majesty's Justices of the Peace, for the said County which were read.

After hearing the Complaints against said Justice Higgins His Excellency by advice of Council reprimanded him for bad Council to M^r Neilsons Servant & other Misdemeanours at the same time threatning him in Case of further Offence to proceed with more Severity.

The petition & other papers not appearing to be properly Supported were dismiss'd.

Ordered that the same be entered on the Minutes.

At a Council held at Burlington Thursday 17: 8br. 1751.

Present

His Excellency The Governor

| | | |
|-------------------------|-----------------|--------------------|
| The Honble John Reading | Andrew Johnston | } Esq ^r |
| James Alexander | Thomas Leonard | |
| John Rodman | Richard Saltar | |

His Excellency by advice of Council sign'd the 3 following Warr^{ts} in Lieu of One Sign'd 18th September last N^o 118. all which Warrants were Numbred and Mark'd in the Margen

| | |
|--|---------------|
| N ^o 118 To himself in part of Quarters Salary | |
| due 10 th November 1750..... | £15 ,, — ,, — |
| 118 To himself in part of Ditto due 10 th | |
| November last..... | £15 ,, — ,, — |
| 118 To himself for the Remainder of the | |
| Quarters Salary due 10 th November | |
| 1750 | 220 ,, — ,, — |

And the Warrant N^o 118 was given up & Cancelld
M^r Reading M^r Saltar & M^r Leonard who were present 18.

September last in Council & consented to the Nomination of Joseph Noble as a Judge of the County Court do retract their Assent.

His Excellency ask'd Doctor Rodman whether he assented or Dissented to the Nomination of Joseph Noble as above M^r Rodman said he did not incline to give either Assent or Dissent

At a Council held at Burlington 23^d October 1751.

Present

His Excellency The Governor

| | | |
|-------------------------------------|--------------------------|---------------------|
| The Honb ^{le} John Reading | Tho ^s Leonard | } Esq ^{rs} |
| John Rodman | Richard Saltar | |

His Excellency with advice of Council signed the following Warrants.

| | |
|---|---------------|
| N ^o 130 To John Rodman for his attendance in Council before 10 th August 1751, | |
| 39 days..... | £11 ,, 14,, — |
| 131 Richard Saltar for his Attendance in D ^o 80 days bef: 10 Aug ^t | 24 ,, —,, — |
| 132 To John Reading for his Attendance in Council 27 days before 10 August 1751..... | 8 ,, 2,, — |
| 133 To Peter Kemble 89 days Attendance in D ^o | 26 ,, 14,, — |
| 134 To James Hude for his attendance in Council before 10 August 1751, 91 days..... | 27 ,, 6,, — |
| 135 To Andrew Johnston for his Attendance in D ^o Ditto 85 Days..... | 25 ,, 10,, — |
| 136 To D ^o as Treasurer for Salary to Aug ^t 1751 2 years..... | 80 ,, —,, — |
| 137 To Thomas Leonard for his Attendance in Council 105 days before 10 th August 1751..... | 31 ,, 10,, — |

| | | |
|-----|--|-------------|
| 138 | Rob ^t H Morris Salary allowed in Support Bill past 6 th June 1751..... | 20,, 16,, — |
| 139 | To Charles Read Esq ^r his Salary as 3 ^d Judge Sup Court between 10 th August 1749 & 10 August 1751..... | 50,, —,, — |
| 140 | To Ditto as Clerk of the Council from Ditto..... | 60,, —,, — |
| 141 | To Ditto as 3 ^d Judge for holding 3 Courts of Oyer & Terminer from 10 th Aug ^t 1749 to 10 August 1751... | 30,, —,, — |
| 142 | D ^o his Acco ^t allowed in the Support Bill past 6 th June 1751..... | 62,, 13,, — |
| 143 | Samuel Smith Esq ^r his Acco ^t allowed in the Support Bill pass'd 6. June 1751 | 22,, —,, — |
| 144 | D ^o for his Attendance as one of the Clerks of Assembly from 10 August 1749 to 10 August 1751..... | 18,, 8,, — |
| 145 | To Anthony Elton his Attendance as Door Keeper of Council from 10 th February 1747 to 10 th Aug ^t 1751.... | 35,, —,, — |
| 146 | Joseph Warrell Esq ^r his Salary as Att Gen ⁿ from 10 Aug ^t 1749 to 10 Aug ^t 1751 | 80,, —,, — |
| 147 | Sam ^l Smith Esq ^r his Salary as Treasurer of the Western Division of New Jersey from 28 Sep ^r 1750 to the 10 Aug ^t 1751..... | 35,, —,, — |
| 148 | To William Norcross as Door Keeper of the Assembly from 10 Aug ^t 1749 to 10 Aug ^t 1751..... | 6,, 18,, — |
| 149 | To Tho ^s Wetherill Jun ^r as Serjeants at Arms from D ^o | 6,, 18,, — |

A true Copy of the Journals of the Council at a Session held at Burlington in September & October 1751

Examined by

CHA READ Sec^y

Proceedings of Council at a Session of the General Assembly
holden at the city of Perth Amboy

The House Mett January 28th 1752

Present

The Hon^{le} James Hude
And^v Johnston } Esq^r
Peter Kemble }

His Excellency Came into Council & having by the Clerk of the Council required the Attendance of the House of Assembly They attended when his Excellency was pleased to make the following Speech to both Houses

Gentlemen of the Council & of the General Assembly,

You are well knowing, that it is now going on, of three years, Since any Supply of money has been made, to the Treasury, of the Province; and which you must be sensible, is a great dishonour, to his Majesty's Government, as well as a great hardship, on all those, that have demands upon the Province; and the Longer things Continue in Such a Situation, it must Necessarily bring on a great weight of Tax, upon the Good people of the Province.

My Duty therefore to the King, together with a Tender regard for those Committed to our Care, and my Concern, that the Officers, with all the other Creditors, of this Province, may have Justice done them, require your more frequent meeting, then I Cou'd otherwise wish :

Gentlemen of the General Assembly.

To prevent for the future, the Danger & Difficulties, which must be the Consequence of what I have Said, I hope, you will diligently apply yourselves, to the passing of a Bill for the Support of the Government, & for the payment of the publick Debts, and another Bill, for Laying a Tax, for raising Money, to answer those good purposes.

Gentlemen of the Council & of the General Assembly.

I hope you are now Come together with a Public Spirited resolution, to become perfect Strangers, to any animosities, or Differences, among yourselves, in the Articles I have laid before you; But that you will proceed in all your Debates and Determinations, with a Single Aim, at the welfare & prosperity of the Province, which will render you, worthy of the Honour, of being Called, the Real Fathers of your Country

J. BELCHER.

Jan^r 29th 1752

The House Mett

Present

| | |
|----------------------------------|--------------------|
| The Hon ^{ls} James Hude | } Esq ^r |
| And ^r Johnston | |
| Peter Kemble | |

The House Continu^d Till

Jan^r 31st

The House Mett

Present as above

The House Contin^d Till

Monday February 3^d

The House Mett

Present

| | |
|---------------------------------------|--------------------|
| The Hon ^{ls} James Alexander | } Esq ^r |
| James Hude | |
| And ^r Johnston | } Esq ^r |
| Peter Kemble | |

The House Contin^d Till

Wednesday Feb^r 5th

The House Mett

Present as above

The House Contin^d Till

Thursday Feb^r 6th

The House Mett

Present the same

The House Continu^d Till

Feb^r 7th 1752

The House Mett

Present

| | | |
|---------------------------------------|--------------|--------------------|
| The Hon ^{le} James Alexander | Peter Kemble | } Esq ^r |
| James Hude | | |
| And ^r Johnston | David Ogden | |

His Excellency having acquainted the House of Assembly that he was in the Council Chamber ready to receive the address of the House,

The Speaker with the House of Representatives attended & Delivered the following address.

May it Please Your Excellency,

We his Majesty's most dutifull and loyal Subjects, the Representatives of the Colony of New Jersey, do agree with Your Excellency, that there has not been for some time past, a sufficient Supply of Money in the Treasury of the Colony, to Discharge the Publick Debts thereof, but at the same time we must beg leave to Say, your Excellency well Knows the

General Assembly in October last, passed a Bill, for the Support of Government for this present year, and for Laying a Tax, on the good people of this Province, whereby to Supply the Deficiency's of the Treasury.

We have the same Concern for Justice with your Excellency, and though we are Sorry you should think it necessary to meet us at this inclement Season of the year, especiell on so Short Notice, That it was with Difficulty a Sufficient number has been got together, yet as the Just Debts of the Province are unpaid, we think them a sufficient motive for us to do all in our power (Consistent with our duty to our Constituents) to get the Necessary Supplies into the Treasury, and to Effect that we have already brought in a Bill for that purpose.

We assure your Excellency we are Come together with a full Resolution to Act with a becoming Harmony in every thing we shall at this time Judge Necessary for the Honour of his Majesty, and the welfare of the people we Represent.

By order of the House,

CHARLES READ, Speaker.


Feb^r 8th 1752.

The House Mett

Present,

| | |
|---------------------------------------|--------------------|
| The Hon ^{le} James Alexander | } Esq ^r |
| And ^r Johnston | |
| David Ogden | |

M^r Alexander Acquainted the House that M^r Hancock M^r Stevens, M^r Law, & M^r Deacon from the House of Assembly had Deliver'd to him a Bill, Entituled an Act, for the Support of Government, of his Majesty's Colony of New Jersey to Commence the Tenth day of August 1751 and to end the Twenty first day of November 1752 and to Discharge the Publick Debts & the arrearages and Contingent



Charges thereof, and for Settling of the Quotas in the Respective Counties, & Levying of a provincial Tax, to which they Desire y^e Concurrence of this House.

which Bill was Read a first Time, & ordered a Second Reading

The House Contin^d Till

Feb^r 10th

The House Mett

Present

| | | |
|---------------------------------------|--------------------------|--------------------|
| The Hon ^{le} James Alexander | Peter Kemble | } Esq ^r |
| James Hude | Tho ^s Leonard | |
| And ^m Johnston | David Ogden | |

The Bill, Entituled an Act, for Support of Government and for Settling of the Quotas &c was Read a Second time & Committed to the Members of this House, or any Three of Them.

This House having Received Information that his Excellency had lately within this year past, Granted Commissions to Sundry persons, to be Sherriffs of Sundry Counties without advice and Consent of the Councill, as also that his Excellency had appointed Sundry Persons to be Judges and Justice's of the Peace of Sundry Counties of this Province, also without, advice and Consent of the Council, It was agreed to Request the attendance of the Secretary to Inform this House, as to the Truth of the above Information, and the Secretary being Requested Accordingly attended, and being ask'd as to the Truth of the above Information, He Informed this House that During y^e Session of Assembly at Burlington in February last, & Since Sundry Commissions had pass'd his Office, for Sherriffs of Sundry Counties of this Province by his Excellencys order, without advice & Consent of the Councill That during the Last Session of Assembly at Perth Amboy, and Since Sundry Commissions have Issued appoint-

ing Judges & Justices of the Peace for Sundry Countys of this Province, without advice & Consent of the Council, and Particularly one Commission to William Morris appointing him Judge of the County of Hunterdon, and another Commission to Joseph Noble to be Judge of the County of Burlington, and that said two Last mentioned Commissions were during good Behaviour, and that none Such to his knowledge or belief had Ever before Issued to any Judges of the Countys of this Province

The House Contin^d Till

Feby' 11th 1752

The House Mett

Present.

| | | |
|---------------------------------------|--------------------------|--------------------|
| The Hon ^{le} James Alexander | Peter Kemble | } Esq ^r |
| James Hude | Tho ^s Leonard | |
| And ^r Johnston | David Ogden | |

M^r Johnston from the Committee to whom the Bill Entituled an act for the Support of Government &^e and for Settling the Quotas &^e was Committed Report^d the Same without Amendm^t

Ordered that the said Bill be Read a Third Time.

Which was done accordingly and the Question being putt whether Said Bill Shall pass or not.

Resolved that the same do pass.

Ordered that the Speaker do Sign the Same.

Ordered that M^r Johnston do acquaint the House of assembly that the Bill Entituled an Act for the Support of Government of his Majestys Colony of New Jersey, to Commence the Tenth day of August 1751, and to End the Twenty first day of November 1752, and to Discharge the Publick Debts & the arrearages and Contingent Charges thereof & for Settling the Quotas in the Respective Countys, and Levying of a Provincial Tax, passed this House without any Amendment.

M^r Alexander having Insisted in the Committee to which the Bill was Referred on three Amendments thereto, w^h he thought material, now Dissents to the passing of this Bill without those amendments, and requests time to Draw the Reasons of his Dissent, and that those Reasons may be Entered on the Minutes of this House, which Request is granted by this House.

M^r Johnston Reported that he had obey'd y^e above Order.

This House having Considered the Information Received yesterday from the Secretary, agreed upon the follow^g Representation

The Representation of his Majesty's Council, for the Province of New Jersey,

Most Humbly Sheweth,

That in the year 1701, Before the Proprietors Surrender of the Government of New Jersey to the Crown and During the Treaty for that purpose between his then Majesties Ministers & the said Proprietors, a form of a Commission & a Sett of Instructions for the Governours which Should be appointed by the Crown, for New Jersey were agreed on, and in Confidence of the Granting & Continuing of such Commission & Instruction So agreed upon, the said Proprietors afterwards did Surrender the Government of New Jersey to the Crown, amongst which Instructions so agreed upon, one was in the following words¹

"You Shall not Displace any of the Judges Justices
"Sherriffs or other Officers or Ministers within our s^d
"Province without good & Sufficient Cause to be Signified
"unto us & to our Commissioners for Trade and Plantations,
"and to Prevent arbitrary Removal of Judges & Justices of
"the Peace, you Shall not Express any Limitation of time
"in the Commissions which you were to grant with the
"Advice and Consent of the Council of our Said Province
"to fitt persons for those Employments nor shall you Execute
"your Self or by Deputy any of the Said Offices nor Suffer

¹See instructions to Governor Cornbury, N. J. Archives, II., 518.

"any Person to Execute more Offices than one by Deputy," as by an attested Coppy of the s^d Commission & Instructions agreed on as Afforesaid Examined by the Origⁿ Reported by the Lords Commissioners for Trade & Plantations, on the 6th of January 1701 and remaining in the office of his Majesties Privy Councill at Whitehall here ready to produce may Appear.

That We have reason to beleive & make no Doubt but that the said Instruction has been Continued to all Governours that have Ever Since been appointed by the Crown for New Jersey, and we do not in the least Doubt but that it's Continued and Given to your Excellency, that it was with Great Concern we heard that your Excellency had Lately without the Advice & Consent of his Majesty's Councill of this Province, Given Commissions to Sundry Sheriffs of the Countys of this Province, and also granted Commissions to Several Persons to be Justices of the Peace & Judges of the County Courts in this Province. Particularly to William Morris a Commissioner to be a Judge of the County of Hunterdon, and to Joseph Noble to be a Judge of the county of Burlington, and had also granted the two Last Commissions during good behaviour

a form unprecedented¹ for any of the Judges of the Counties of this Province.

That we have Inquired into the Truth of those things which we so had heard from the Secretary of this Province, who has Declared to us that Such Commissions had passed thro' his Office, & Says they were Granted by your Excellencys Express Order.

That We humbly Conceive the Breaking through the said Instructions at any time will Endanger the Peace & due administration of Justice, within this Province, but more Especially at this time when Multitudes of Riots have been Lately Committed within this Province for which the Perpetrators are not as yet Brought to Justice.

That we Could not in Duty to his Majesty in Regard to

¹ Unprecedented.

the Peace and Good Government of this Province, and to our own Rights Granted by the said Instruction, Neglect humbly Representing the preceeding Matters to your Excellency in the most Solemn Manner, Protesting against the Preceeding breaches of the said Instruction, hoping at the Same time that your Excellency will repair the Breaches hereby pointed out and give us no further Reason, of Representing Such Matters.

That we have Considered what your Excellency ordered to be Entered on the Minutes of this House on the 23^d day of October Last, and are far from being Convinced by any thing your Excellency There Sets forth, That the Council were not in their Duty in Coming to the Resolves therein Mentioned the first Resolve we think is self Evident, and that the Others are Necessary Consequences of it, were &°

ordered that the Same Representation be Engrossed

The House Mett P. M

Present as in the Morning

The Engrossed Representation ordered this Morning was Read

ordered that the Speaker do Sign the Same.

ordered that M^r Johnston & M^r Kimble do wait on his Excellency to Know when this House Shall wait on him to present Said Representation.

A message from the Assembly in the following words.

M^r Lawrence one of the Committee appointed at the Last Session in Conjunction with a Committee of y^e Council to Inspect the Treasurers Acco^{ts} &° and who had Leave to Defer making their Report untill this Sitting now, Reported That one of the Committee being absent, they Cannot yet Comply with the order of this House, and therefore pray that the time may be Enlarged Till Next Session.

Ordered that the time for making their Report be Enlarged accordingly, & that M^r Stevens & M^r Law inform the Council Thereof

THO^s BARTOW Clk

Ordered that M^r Ogden do Carry the following Message to the House of Assembly

We find by a Law of this Province passed in the year of our Lord 1748 Entituled an Act for Impowering certain persons herein after named to Draw for & receive the Money lent the Crown for Arming & Cloathing the forces lately raised in this Colony that Richard Smith Jun^r Daniel Smith & William Cooke Esq^r or any two of them were thereby Directed Authorized and Impowered as Soon as they Should have advice of Rich^d Partridge Esq^r having Received the moneys he was Impowered to Receive for the use of this Province mentioned in said Act, to Draw one or more Bill or Bills of Exchange upon the said Rich^d Partridge for the said Money, we also find by the printed Copy of the Minutes of your House of your Last Session the said Rich^d Partridge has acknowledged the Receipt of £2231 ,, 18 ,, 4 Sterling Money of Great Brittain by his Letters of the 9th of Feb^r 1750 whereof we have no Reason to Doubt, but the s^d persons appointed by said Act, have had Notice, we being also informed & Beleive that the same persons have not as yet Drawn for said Moneys as by said Act they were Particularly Directed & Impowered, whereby the good purposes Provided for by s^d Act, are in no wise Answered, & as it is Incumbent on us to take proper Measures to see that a Due Obedience be paid to s^d Law, we would before we proceed therein, Request the House of Assembly to mention to us the Reason, if any they know, why said Money has not before this time been Drawn for & Disposed of According to the directions of said Act.

M^r Ogden Reported that he had Obeyed the above Order.

A message from the House of Assembly in the following words.

Ordered that M^r Johnston & M^r Deacon do wait on the Council, & acquaint them in answer to their Message, that William Coake Esq^r one of the Persons appointed to Draw for the Money mentioned in said message, Informs the House that the Reason why the s^d Money was not Drawn for was from the Difference they payed to the opinion of the Majority of y^e Members of this House at the last Session who were Consulted upon that occasion, whose Opinion was that the said Money Could not then be drawn for to such Advantage as the Publick might Expect, But that upon Consulting them this morning on the same Subject, they were of opinion that the Same Should be Drawn for as Soon as opportunity offers, and had Directed him to acquaint Daniel Smith Esq^r thereof, and therefore y^e House has Reason to beleive no further delay than is absolutely Necessary will be in this Affair.

Also ordered that the said Messengers acquaint the Council that this House desires to be Informed if they have any thing further to Lay before them, because if they have not this House being desirous to be Dismissed, Intend to apply to his Excellency for that Purpose.

THO^s BARTOW Cl^k

Ordered that M^r Leonard do acquaint the House of assembly that this House has nothing further to Lay before them.

M^r Leonard Reported that he had Obeyed the above Order
Reasons for M^r Alexanders Dissent to the Bill passed yesterday in this House.

1st For that Instead of Rich^d Partridge Esq^r Agent of this Colony at the Court of Great Brittain or to the Agent for the time being appointed by the House of Representatives, there ought to have in his opinion been putt these words, to the agent of this Colony at the Court of Great Brittain, or to the agent for y^e time being appointed by Legislative Act.

For his Reasons he refers to the Minutes of this House of October 17th 1749 & Octob^r 22^d 1751 on the like amend^t at those times Proposed.

2^d For that Instead of the words *in Council* Several times in the Bill, in his opinion there ought to have been put these words by and with the Advice & Consent of the Council.

His Reasons are in the Same Minutes

Referred to above on Like amendments then Proposed.

3^d For that tho' the Greatest objection to the Bill sent up in Oct^r last be removed in this Bill Viz. The obliging Tenants to pay Tax for the whole Tract, of which they had Leased a part, tho' the whole Tract Should be a Thousand times as much as the part they had Leased, which had it passed, might have Laid Tenants under a Necessity to throw up their Leases, & become Rioters & Trespassers. I Say that tho' that objection by this Bill be removed, by obliging Tenants to pay for only what they have in Lease, yet too much favour Still Remains for Rioters & Trespassors, Seated on Lands without the will of the owners, for by this Bill as well as the Last, they are only to pay for what they Claim to hold, whereas Lessees must pay for the whole in their Leases, tho not Ten Acres be improved and the Lease Should be a Hundred Acres, as few are Less than that, which is Still putting Rioters & Trespassors in that Respect, on a better footing than Lawfull Lessees, whereas Rioters ought to have been upon a worse footing at least not on a better footing, and the amendment to the Bill in Octob^r last Limitting the Least quantity they were to pay Taxes for at 100 acres, and obliging them to pay Double Taxes for that, might [make] them Near Equal for in that Case the Double Taxes would probably not have Exceeded the Rent that a Lawfull Lessee was to pay, but as it Stands in the Bill to pay Taxes for only what they Claim, is Leaving them on a better footing than Lawfull Lessees.

JA. ALEXANDER

The House Mett Feby 12th

Present as before

His Excellency having by the Clerk of the Council Required the Attendance of the House of Assembly

They attended when his Excellency was pleased to give his Assent to the Bill Entitled an Act, for the Support of y^e Government &^e

After which he made the following Speech,

Gentlemen of the Council & of the General Assembly.

I observe with much Satisfaction, not only y^e Alacrity and Dispatch, but the good agreement & Harmony with which you have gone through the Business of this Short Session, of so much Importance to the Honour & Interest of his Majesty's Government, as well as to the Establishment of Justice and of Peace, and Good Order in the Province.

I Therefore in the first place, thank you Gentlemen of the General Assembly, from whom, the Bill for Support of Governm^t and for Laying a Tax, to pay the Charges thereof, must Naturally Spring.

And in the Next place, I thank you Gentlemen of the Council whose Concurrence with the assembly is Necessary before it Can Come to me to pass into a Law.

Gentlemen, I Cou'd have wish'd, this Bill had further Extended for you must be Sensible when ever there is an Empty Treasury, my Duty to the King in a just Regard, to his Government & People, obliges me to be Calling you together, more frequently than I Cou'd wish; and Multiplies Charges upon the people and may Sometimes Incommode your domestick affairs; however I wish, what you have now done, may be the forerunner, of lasting Tranquility, to this Government and people.

And as you are now returning to your places of abode, I hope you will in your Several Stations, put the Salutary Laws, of the Province into Good Execution, against all Sorts

•

of Immorality, & flagrant Disorders, So Shall you not only become a "Terror to Evil Doers and a Praise & Encouragement to those that do well" but you will also in this way, draw down Blessings from Heaven, on this People, and on your Selves & Families; to Each of which, I wish you in Safety, and wth much prosperity, in all our private affairs.

Perth Amboy

J. BELCHER

Feb^r 12th 1752.

At a Council held at Perth Amboy February 7th 1752.

Present.

His Excellency the Governour

| | | | | |
|-----------------|---|----------------|---|------------------|
| James Alexander | } | Peter Kimble | } | Esq ^r |
| James Hude | | Andrew Johnson | | |

David Ogden Esq^r Presented to his Excelency the Governor His Majesty's Mandamus, Appointing him to Be Of the Council of this Province Which Mandamus follows in these words.

George R.

Trusty And Well Beloved We greet You Well, we Being well Satisfied Of the Loyalty Integrity and Ability Of our trusty and Well Beloved David Ogden Esq^r have thought fitt hereby to Signify Our Will and Pleasure to you that forth With Upon the Receipt hereof you Swear and Admitt him the Said David Ogden to be One of Our Council Of that Our Province Of New Jersey in America in the Room Of John Cox Esq^r¹ and for so Doing this Shall Be Your Warrent and So we Bid You farewell Given at Our Court at S^t James's the Ninth Day Of may 1751 In the twenty fourth Year of Our Reign

By his Majestys Comānd

| | | |
|------------------------------------|---|---------|
| David Ogden Esq ^r to be | } | BEDFORD |
| Of the Council of New Jersey | | |

¹ Suspended by Gov. Belcher for traducing his name and character, and finally removed by order of the King.—*N. J. Archives*, VII., 540, 588.

Superscribed

To Our trusty and Well Beloved Jonathan Belcher Esq^r
Our Captain General & Governour in Chief of our Province
of Nova Casarea or New Jersey in America And in His
Absence to Our Commander in Chief or to the President
of our Council Of our Said Province for the time Being
Whereupon and In Obediance to the same his Exelency By
and with the Advice of his Majestyes Council Administred
the Oaths Appointed By law And Also the Oath of a Coun-
ciller And the Said David Ogden having Made and Sub-
scribed the Usual Declaration was Admitted to take his Seat
Accordingly

At a Council Held at Perth Amboy on y^e 12th of feb^r
1752

Present

His Excellency the Governour

James Alexander James Hude Andrew Johnston Peter
Kemble David Ogden Esq^r

His Exelency with Advice of Council Sign'd the following
Warrents

| | | | | | | |
|--------------------|---|-----|---|---|---|---|
| N ^o 150 | to him Self a Quarters Salary Between y ^e 10 th Aug ^t & 10 th of November... | 250 | „ | 0 | „ | 0 |
| 151 | To D ^o for a quarters house Rent for same time..... | 15 | „ | 0 | „ | 0 |
| 152 | To D ^o a Quarters Salary Between 10 th Nov ^r 1751 & 10 th feb ^r following... | 250 | „ | 0 | „ | 0 |
| 153 | To D ^o for a quarters house Rent for same time..... | 15 | „ | 0 | „ | 0 |
| 154 | To Samuel Nevill Esq ^r for his Salary as 2 ^d Justice January 21 st 1748/9 to the 10 th Aug ^t 1749..... | 13 | „ | 7 | „ | 6 |
| 155 | To D ^o for his sallery as 2 ^d Justice from aug ^t y ^e 10 th 1749 To aug ^t to Aug ^t 10 th 1751..... | 50 | „ | 0 | „ | 0 |

| | |
|---|-------------|
| 156 To D ^o for his Salary as 2 ^d Justice from Aug th 10 th 1751 to feb ^{ry} 10 th 1752 | 12,, 10,, 0 |
| 157 To D ^o for holding a Court of Oyer & Terminer at hunterdon in May 1749 | 10,, 0,, 0 |
| 158 To D ^o for holding five Courts of Nisi Prius & Oyer & terminer Viz in Nov ^r 1749 at Mon th in May 1750 at hunterdon in November 1750 at munmoth in Nov ^r 1750 at Essex in May 1751 at hunterdon..... | 50,, 0,, 0 |
| 159 To D ^o for holding 4 Courts of Oyer & terminar Viz in Sep ^r 1751 In Morris in Oct ^r 1751 at Bargin ¹ in Oct ^r 1751 At Somerset in Octo ^r 1751 at Munmouth..... | 40,, 0,, 0 |
| 160 To D ^o for Attending Supr Court at Burlington Nov ^r 1751..... | 6,, 0,, 0 |
| 161 To Charles Reed Esq ^r for his Sallery as 3 ^d Justice from Aug th 10 th 1751 to feb ^{ry} 10 th 1752..... | 12,, 0,, 0 |
| 162 To D ^o for Sallery as Clark of the Council from Aug th 10 th 1751 to feb ^{ry} 10 th 1752. | 15,, 0,, 0 |
| 163 To D ^o In full of his Acc ^t Allow'd By support bill Pass'd this day..... | 8,, 6,, 4 |
| 164 To Joseph Warrel Esq ^r for his Salary as Att ^y Gen from Aug th 10 th 1751 to feb ^{ry} 10 1752..... | 15,, 0,, 0 |
| 165 To Andrew Johnston Esq ^r one of the treasurers for his Salary from Aug th 10 th 1751, to feb ^{ry} 10 th 1752..... | 20,, 0,, 0 |
| 166 To D ^o In full of his Account Allow'd By support Bill Pass'd this Day.... | 10,, 11,, 7 |
| 167 To Sam ^l Smith Esq ^r the Other treas- urer for his Salary from Aug th 10 th 1751, to Feb ^{ry} 10 th 1752..... | 20,, 0,, 0. |

¹ Bergen.

| | | | | | | |
|-----|---|----|---|----|---|---|
| 168 | To Sam ^l Smith Esq ^r as Clark to the house of Assembly for Attendance at Burlington 44 Days also for pen Ink & Paper Allow'd by a Support Bill Pass'd this Day..... | 19 | „ | 2 | „ | 0 |
| 169 | To Ex ^m of Richard Smith in full of his Account Allow'd By Support of Government Pass'd this Day..... | 66 | „ | 10 | „ | 0 |
| 170 | To John Smith for Salary as Clerk Of the Circuits from Nov ^r 13 th 1749 to feb ^r 10 th 1752..... | 44 | „ | 16 | „ | 0 |
| 171 | To Thomas Wetheril Jun ^r for Attendance 44 Days as Serjeant at Arms to the house of Assembly at Burlington in Sept ^r and Octo ^r Last..... | 6 | „ | 12 | „ | 0 |
| 172 | To Will ^m Norcross for his Attendance &° 44 Days on the Assembly as Door Keeper at Burlington in Sep ^r an Oct ^r Last..... | 6 | „ | 12 | „ | 0 |
| 173 | To Anthony Elton as Doorkeeper to the Council from Aug st 10 1751 to feb ^r 10 th 1752..... | 5 | „ | 0 | „ | 0 |
| 174 | To the hon ^{ble} James Hude for Attendance as a Councillor Between the 10 th of Aug st 1751 and 12 th of feb ^r 1752..... | 20 | „ | 2 | „ | 0 |
| 175 | To Peter Kimble for his attendance &° 67 Days D ^o | 20 | „ | 2 | „ | 0 |
| 176 | To Andrew Johnson for Attendance &° 57 Days D ^o | 17 | „ | 2 | „ | 0 |
| 177 | To Thomas Leonard for his Attendance &° 47 Days D ^o | 14 | „ | 2 | „ | 0 |
| 178 | To Thomas Bartow for his Attendance &° 67 Days on the Assembly as Clark at Perth Amboy in 1749 1750 & 1751 Also £20 for Copying Laws &° and forty Shill ^s for a book | 48 | „ | 16 | „ | 0 |

| | |
|--|------------|
| 179 To Andrew Johnson to Day for a Room &° for the Council at the Sessions Ended this Day..... | 2,, 0,, 8 |
| 180 To D° for Sundrey Settings at Amboy By a Support Bill Pass'd June Last | 6,, 14,, 0 |
| 181 To Andrew Robeson for his Attendance On y° Assembly 67 Days at Amboy Serjeant a Arms in 1749 1750 & 1751. | 10,, 1,, 0 |
| 182 To Peter Sancry for Attendance 67 Days on Council As Serjeant a Arms By Support Bill pass'd Last June | 10,, 1,, 0 |
| 183 To D° for D° 19 Days on Session Ended this Day..... | 2,, 17,, 0 |
| 184 To John Titus for his Attendance On the Assembly 67 Days as Door keeper At Perth Amboy in 1749 1750 1751..... | 10,, 1,, 0 |
| 185 To D° for D° 19 Days On Sessions Ended this Day..... | 2,, 17,, 0 |
| 186 To Andrew Robesson for 19 Days Attendance at the Session Ended this 12 th of Feb ^r 1752..... | 2,, 17,, 0 |

His Excellency Acquainted the Board that it was his Opinion That it would be for the Safety & Peace of the Province to have Stated Days for his Majesty's Council to Meet & Provided Quarterly Meetings Viz^a on the 10th of May the 10th of Aug^t the 10th of Nov^r and the 10th of feb^r to which Proposal the Council Assented

A Report from Judge Nevill in the following Words

To His Excellency Jonathan Belcher Esq^r Cap^m General Governour in Chief in and Over his Majesty's Province of New Jersey and teritories thereon Depending In America Chancellor and Vice Admiral In the Same &°

May It Please Your Excellency in Obediance to Your

Excellencys Directions to Me (By Advice of Council) to Lay Before your Excellency from time to time What Proceedings may be had In Relation to the Person Accus'd of Robbery & Piracy in Respect to the Spanish Ship upon the Coast of North Carolina &° I Humbley Beg Leave further to Report to your Excellency that Some of the Persons Accus'd of Said Robbery & Piracy and Who are Now Upon Bail Apply'd by their Council to the Supreme Court on the Last Day of Augst term Last at Perth Amboy to be Discharged Alledgeing that by the Habeas Corpus Act they had a Right to have the Motion Comply'd With No Proceedings haveing Been Carried On Against them for two Terms after their Commitment &° but the kings att^y not Attending At that time the Court took time Untill march term Next to Consider of Said Motion Of Which I have thought Proper to Acquaint Your Excellency

I am

Your Excellencys

Most Obediant

hum^{bl} Serv^t

SAMUEL NEVILL

The Board having Considered the Same: Are Of Opinion that M^r Nevill Do proceed in that Affair to the best of his Judgment and Agreeable to the Laws of y^e Land

A true Copy of the Minutes of the Council of New Jersey

Compared by

CHAS READ Secr^y

At a Council held at Elizabeth Town in the Province of New Jersey on Friday y^e 24th of April 1752.

Present

His Excellency the Governour

M^r Hude

M^r Kimble

M^r Ogden

His Excellency Spoke to the Council as follows

Gentlemen of the Council

I am Sorry for the Occasion of my Calling you together at this time which Is to Lay before you a Notorious Outrage Comitted upon his Majestys Athoraty In this Province by a number of Lawless Villains In breaking Open his Majesty's Goal in the County Of Middlesex and Rescuing from thence one Simon Wikoff Who Stood there Committed for High Treason

the 11th Instant John Waller Keeper of the said goal was with Me and told me he had Reason to believe that Their would be a forceable Attempt made to Deliver the Said Wickoff out of Geoal upon Which I Immediatley made Out a warrant to William Dear Esq^r Sheriff of said County to use all possible means according to Law to Prevent any Such Outrage & to keep the said Wikoff in safe Custody and at same time wrote a Letter to

| | | |
|--|---|------------------|
| the Honorable | } | |
| Andrew Johnston Esq ^r | | of His Majesty's |
| One of His Majesty's Council & | | Province |
| Samuel Nevill Esq ^r | | of New Jersey |
| One of the Judges of the Supream Court | } | |

Particularly Advising them of the Matter and Inclos'd to them the Warrant I made out to the Sheriff the Answer to Which Letter I also now lay before you With Some Affidavits Relating to this Affair & I am not a Little Surpriz'd that no Steps were taken to Appose Such Violence to be Committed on his Majesty's Honour & Government

In this Extraordinary Affair I now Ask your Advice what may be most Propper to be Done for the Suport of his Majesty's Government for better Keeping of the Peace of this Province & whether it might not be Necessary to Call the Assembly together To have their advice and Assistance in the matter and Whether anything Can be Done in the mean time to Express our utter Abhorance & Detestation of Such wicked tumults and Disorders and for Suppressing the same

the Several Papers I now Lay before you I have Order'd the Secretary to Enter Upon the Records of the Governour & Council.

Elizth Town

J BELCHER

April 24th 1752

The Papers Referred to in his Excellencys Speech were as follows.

A Warrant to the Sheriff of Middlesex By his Excellency Jonathan Belcher Esq^r Captain General & Governour in Chief in and Over His Majesty's Province Nova Casserea or New Jersey and territories thereon Depending in America Chancellor and Vice Admiral of the same

To William Dear Esq^r High Sheriff of y^e County of Middlesex

Judge Read was with me a few Days ago & told me he Had Ordered one Simon Wickoff (Called a Captain Among the Late Rioters) to be Committed to amboy Goal for High Treason and this Day John Waller who keeps the said goal has been with me & sayes that he has good Reason to beleive that there Will be a forceable attempt made to Deliver the Said Wickoff out of Geol.

These are therefore to Require you in his majesty's Name to use all Possible means According to Law to Prevent Any Such Outragious proceedings And to Continue the Said Wickoff in Safe Custody.

Given under my hand & Seal at Arms at Elizabeth Town
April 11th 1752

J. BELCHER.

Letter to M^r Johnston & M^r Nevill

Gentlemen

I Understand one Simon Wickoff is Committed to Goal in Perth Amboy for High Treason and John Waller the Geol Keeper (who is now with me) Say's he hath too much reason to belive the Said Wickoffs Friends will

Attempt to Deliver him out of goal by force I have therefore made out upon the Sheriff the inclos'd Special Warrant that he may take the better Care to have the Goal well Secur'd that the said Wickoff may Still be Safely Kept in Custody and as you Are Gentlemen of Superiour Order in this his majesty's Government I Desire and Expect from you that In Your Several Stations you do all in your Power To Encourage and Protect the Sheriff in his office that no Insult Or Outrage be Committed On His Majesty's Authority

I am with Due Respect

Elizabeth Town

Gentlemen

April 11th 1752

Your Friend & Serv^t

J. BELCHER

| | | |
|---|---|---|
| To the Honorable | } | Of his Majesty's Province of new Jersey |
| Andrew Johnston Esq ^r | | |
| One of his Majesty's Council | | |
| Samuel Nevill Esq ^r | | |
| One of the Judges of y ^e Supream Court | | |

Mr. Nevills Answer

Perth amboy April 14th 1752

May It Please Your Excellency.

I received a Packet from your Excellency by M^r Waller on Sunday Last in the morning near One O Clock with an Inclos'd Letter Directed to M^r Andrew Johnston & my Self as Also your Warrant or Order To the Sheriff of Middlesex I waited on M^r Johnston the same Morning and Pursuant to Your Directions we Sent for the Sheriff and gave him your Warrant aud At the Same time Directed him to be Carefull of his Prisoner and to Secure his Goal in the best manner he Could Letting him know at the Same time that he was already Cloathed by Virtue of his Office with all the Power that we Could give him to Wit that of Raising the Posse Comitatus.

On monday Morning we Received some flying and Contradictory Reports that some People were Gethering together in the Country to take Wickoff Out of Goal and M^r Johnston

and my Self met and Continued together till the Day was far Spent but Heard nothing farther however About three O Clock In the after noon a Number of people about twenty Or Upwards with Clubs in their hands broke open the goal and Rescued Wickoff in the manner the Enclosed Affidavits Will Inform your Excellency Had Mr. Johnston and my Self been Present I conceive we Could [have] been of but Little Service for my Real Openion is that the Power of the Government in New Jersey is at Present Very weak as to Subdueing Insurrections of this nature no Provisiion Being Made by the Legislature to Support that Power though frequent Applycations have been made by your Excellency as well as by the Late Governour to the Assembly for that Purpose this together With a Seeming Reluctancy In the People to the Obedience to the Authority in the Present Case hath Rendered any Attempts to Suppress and Prevent Such Like Riots and Disorders in a great Measure Impracticable.

I Wait for your Excellencys advice and Directions Which method will be most Prudent to Issue an Escape Warrant and Hue-and-Cry after the traitour Wickoff or Delay it for a few Days until the Affair groes Cool. Some are Of Opinion that in the Latter Case he will boldy Appear In a Short time and be Easiley taken but that if the Country be Alarm'd he will withdraw and not be taken at all Or With Great Difficulty Which Of the Schemes is most Adviseable I submit to your Excellencys wise Consideration And Reffer you for farther Particulars to the Sheriff Who now waits upon your Excellency for your Orders Instructions and Commands in this Unhappy and Critical Affair.

M^r Waller When he waited Upon your Excellency Did not Inform you that he had Permitted this Traitor Wickoff to go Home Privat'ly and Unknown to the Sheriff and that he Waller furnish'd him with a horse for that Purpose and that the said Wickoff was gone from fryday the third to monday the Sixth of this Instant April Which time I Dought not Wickoff employ'd in Raising and Spiriting up

his friends to Rescue him from the Goal and Waller did not Inform the Sheriff of those Fears and Apprehensions of wicoffs being Rescued Which he Related to your Excellency of this Affair the Sheriff Will Likewise farther Inform Your Excellency.

I impatiently wait for your Excellencys further Advice and Directions and Shall be Always Ready to [do] Every thing in my Power for the Securety of his Sacred Majesty's person & Government (Whome God Long Preserve from All treasons & traitorous Conspiracies) and for Preserving the Peace of the Kings Government here in New Jersey

I am S^r with all Due Respect

Your Excellencys

Most Obedient

To his Excellency

hum^{ble} Serv^t

Jonathan Belcher Esq^r

SAMUEL NEVILL

New Jersey ss. James Newell of the City of amboy Taylor of full age maketh Oath that on monday the 13th of april 1752 he this Deponent was told that the Rioters were breaking Open the Goal in the Said City of Perth Amboy Upon Which he went to the Said Goal where he saw a Number of People About twenty arm'd with Clubs About the said Goal that the Outer Door was then Open and he heard a Great knocking within the Goal As if it was breaking Open Locks that Soon After he Saw one Simon Wickoff Brought Out Amidst a Number of People and mounted on horseback and Caried of in Triumph by the Rioters who Huzza'd as he went away And this Deponent further Saith that he Saw One Benjamin Corle among the said Rioters with a Club In his hand and farther this Deponent saith not. Sworn this 13th Day of

JAMES NEWILL.

April 1752

Before us

ANDREW JOHNSTON

SAMUEL NEVILL.

A treu Copy Taken from the
Original and Compar'd by me

SAMUEL NEVILL.

New Jersey, ss. Thomas Fox of the City of Perth Amboy Gent^a maketh Oath that On monday the 13th of April 1752 He this Deponent was in Company With William Dear Esq^r High Sheriff of the County of Middlesex When Some Persons Came and told the Said Sheriff that a Number of people Were Comeing to break open the Goal upon Which the Sheriff Desir'd this Deponent to go With him to the said Goal to bear Witness of what Pass'd that they Went up Accordingly and presently Came up a number of People With Clubs in their hands on horse back that One of them gave the word of Command to Dismount whereupon the Sheriff Put himself betwen them and the Goal Door And Demanded What they Came their for that One of them a Lusty Man a Dutchman as this Deponent Beleives said they were Come for Simon Wickoff and would have him out that y^e Sheriff forwarn'd them from breaking Open the Kings Prison that they then Cried Out in a tumultuous Manner that they Loved King George better then he Or Any body there and Would have Justice or Words To that Effect they then Demanded the keys of the Sheriff and Said if he would not Deliver them they Would break Open the Goal and that they did not Want to hurt him or any One Else but they Would have him Out that the Sheriff Refus'd to Deliver the keys that Some Persons from behind Call'd Out who hath the keys Damn them Whip Whip them till they do deliver them or words to that Effect that they then said he must Give the keys and it would be better for him that this Deponant told them that It was as much as his Office or his Life was Worth and that It was a Shame to Abuse an Officer in the Execution of his Office they Repli'd they did not Care they would have justice that this Deponent told [them] that if they would have Patience they would have Justice they Reply'd that they had Stay'd Long Enough and now all was Quiet they had begun again with them that they then Cried Out again in a Tumultuous Manner Why Do you Delay Break it Open that they then Proceeded to break Open the Goal With Iron Instruments and broke the Outer Door When

a Number of the Rioters Crouded in and soon After this Deponent saw the said Rioters bring the Said Simon Wickoff out of the Goal and that they mounted him on horseback and Caried him of in a triumphant manner With Loud huzzas, & further this deponent saith not

THO^r FOX

Sworn this 13th Day of
April 1752 before us

ANDREW JOHNSTON A trew Copy taken from the
SAMUEL NEVILL Original and Compar'd by me
SAMUEL NEVILL

New Jersey ss. William Dear Esq^r High Sheriff Of the County of Middlesex maketh Oath that About three o Clock on monday the 13th of April 1752 in the After Noon he this Deponent Seeing a Great Number of People Comeing into town on horse back and being Inform'd that they were Comeing to take one Simon Wickoff Out Of the Goal of the County of Middlesex who had been Committed to the said Goal by Judge Read upon an Indictment found Against him the Said Simon Wickoff in the County of Middlesex Affores'd for High Treason he this Deponant went Up to the said Goal and Soon After A number of Persons on horseback Came up about twenty As this Deponant belives Most of them Arm'd with Clubs that he this Deponent Ask'd them What their business was that Some of them Replied they Came for Simon Wickoff and Demanded the keys of the Goal of this Deponent that this Deponent Refus'd to Deliver the keys upon Which Some of them Said that this Deponent had beter Deliver the keys then have the Doors broke Open for they would not Pay for the Locks if they broke them that this Deponant forwarn'd them from breaking open the Kings Goal at their Perril that one of the said Company Who this Deponent beleives to be one Hageman A Son of Adrian Hageman and a Blacksmith now or Lately Liveing in the County of Somerset and Province of New Jersey Went up to the Outward Door of said goal Which Was fastned with a Padlock on the Out Side

and with a hammer and Chissel broke open the said door Upon Wich a Number of the Rioters Rush'd Into the said Goal and broke open the Entry Door and Afterwards broke Open a Door which Led into a Room where the affores'd Wickoff Was Confin'd that the said Simon Wickoff was Rescued out of the said Deponents Custody in the manner Affore mentioned And was mounted upon a horse and Caried of in triumph With Loud Huzzas, by the said Rioters and this Deponent farther Saith that he Saw one Benjamin Corle on horse Back Amongst the Said Rioters with a Club in his hand And that he Saw another Person there whome he beleives Likewise to be a Son of the Aforesaid Adrian Hageman And further this Deponent Saith not.

W^m DEARE

Sworn this 13th Day of
April 1752 before us

ANDREW JOHNSTON a true Copy Taken from the
SAMUEL NEVILL Original and Compar'd by me
SAMUEL NEVILL

His Excellency the Governour Desir'd the Advice Of Council thereon The Council were of Opinion that as the Disturbances of this Province have for Some time Past been Under the Consideration of His Majesty & his Ministers and It is Expected that Advices will Soon Arrive from Home Relateing to the Same that the Defferring their Advice till the Quarterly Meeting on the 10th of may Next may be most Expediant Hopeing in the mean time Your Excellency will Receive Directions from his Majesty in these affairs

At a Council held at Elizabeth Town In the Province of New Jersey on monday y^e 11th Day of May 1752

Present

His Excellency the Governour

M^r Alexander M^r Hude M^r Johnston M^r Ogden

The minutes of Council of the 24th Day of April Last were Read And his Excellency Desired the Advice of the Council On the Papers at that time Laid before them and What may Be most Proper to be Done on this Extraordinary affair

The Concil are of Openion That as there is Great Reason to Hope for Some Speedy Directions from His Majestys Ministers in Respect to the many Late Riotes Wth hath Obstructed the Publick Justice of this Province for Several years Past that It Would be most Prudent To Suspend taking any Steps In this Matter for some time as Ships are Daily Expected from London Who May Probably bring over those Orders That As to the Calling the Assembly they Are of Opinion it would Not be Proper to Call them purposely to Lay the Rescuing of Wickoff before them as there have been Repeated Unsuccessfull Applications Made to the Successive Assembly^s Of this Province and they know of no Reason to Expect that Any Such Applications would have its Desired Effect Untill the Opinion of His Majesty's Ministers and their Directions in these Affairs Shall Arive and In the mean time his Excellency the Governour Is humbly Request'd to Represent this matter to His Majesty & His Ministers in the Strongest Light.

His Excellency Desir'd the Advice of the Council On the facts Appearing in the Papers Laid before Them What Steps are Necessary to be taken In Respect to Will^m Dear Esq^r Sheriff of the County of Middlesex & John Waller the Goaler

As to the Sheriff the Council are of opinion that as they Are Inform'd that Said Sheriff on Receiving his Excellency's Warrent Put One or more Locks on the Prison Doors Barred the Same With other Steps that he then took To Secure the Said Goal and as the Late Sheriff of Middlesex County on the Like Occasion Issued his Summons to Upwards of Seventy Men to Appear at amboy to guard the Goal on a then Threatned Riot to brake Open Said Goal and Rescue a Prisoner from thence And None Obey'd said Summons Excepting a few Magistrates and the said Will^m Deare having been Ac-

quainted therewith We Are of Opinion the Steps the Said Will^m Deare took in this Affair is all that Could be by him Prudently Done and are also of Opinion that John Waller be Prosicuted for his Neglect of Duty In Consenting to Wickoff going home for three Days While Charg'd in his Custody for High Treason & Lending him a Horse at Same time for that Purpose

His Excellency by Advice of Council Signed the Following Warrants Viz^t

| | |
|--|------------|
| To himself in Part for a Quarters Salary as Comander in Chief of this Province for the Quarter Due y ^e 10 th Instant..... | 160 |
| To D ^e for the Remaining Part of the Quarter D ^e Ended y ^e 10 th Ins ^t | 90 |
| To D ^e for a Quarters house Rent Due y ^e 10 th Instant | 15 |
| To Sam ^l Nevill Esq ^r 2 ^d Justice of y ^e Supream Court of this Province for a Quarters Salary Due y ^e 10 th Instant..... | 6 : 5 — 0 |
| To Charles Read Esq ^r as 3 ^d Justice of the Supream Court for a Quarters Salary Due the 10 th Instant..... | 6 : 5,, 0 |
| To Joseph Warrell Esq ^r att ^y general of the Province of New Jersey for a Quarters Salary Due y ^e 10 th Instant..... | 7,, 10,, 0 |
| To Andrew Johnston Esq ^r Treasurer of y ^e Eastern Division For a Quarters Salary Due y ^e 10 th Instant | 10,, 0,, 0 |
| To Sam ^l Smith Esq ^r Treasurer of y ^e western Division for a Quarters Salary Due y ^e 10 th Instant..... | 10,, 0,, 0 |
| To Charles Read Esq ^r for his Salary as Clark of the Council for a Quarters Salary Due y ^e 10 th Instant..... | 7,, 10,, 0 |
| To John Smith Esq ^r Clerk of the Circuits for a Quarters Salary due y ^e 10 th Instant..... | 5,, 0,, 0 |

To Samuel Nevill Esq^r for his Attendance on
 three Courts of Oyer & Terminer Viz^t at
 Cumberland y^e 4th Tuesday in April Last
 at Salem y^e 3^d tuesday in April Last and at
 Gloster the first tuesday in May Instant..... 30
 To Anthony Elton Doorkeeper of y^e Council
 for a Quarters Salary Due y^e 10th Instant... 2,, 10

A true Copy of the Minutes of the Council of the Prov-
 ince of New Jersey Compared by
 CHA READ Sec^r

At a Council held at Elizabeth Town on Monday the Tenth
 of August, 1752¹

Present

His Excellency the Governour

| | | |
|--|-----------------|--------------------|
| The Hon ^{ble} James Alexander | Andrew Johnston | } Esq ^r |
| James Hude | Peter Kemble | |

His Excellency made the following Speech to the Council

Gentlemen of the Council

"This being one of our Stated Quarterly Meetings I shall
 "be glad to hear any thing you have to offer for His Ma-
 "jestys Service as for the good of the Province and I wou'd
 "now more particularly ask your Advice and Opinion
 "whether it may be necessary or Expedient soon to meet the
 "Assembly to see whether the Governour Council and Assem-
 "bly can fall into any Act or Acts for the better Suppressing
 "the Riots and disorders which has disturbed the peace of
 "the Province for a great Number of years past (long before
 "my Arrival).

"And also to have your advice whether it may be best to
 "give Orders for an Especial and Speedy prosecution of such
 "as have been or may be Apprehended for breaking open the

¹ The following Minutes of August 10th and 12th, 1752, are printed in N. J. Archives, VIII., Part I., 108-108.

"Kings Goals of the Province in these things I say I shall
"be glad of your advice and am always ready Chearfully to
"join with you in such measure as may be judg'd will most
"of all Contribute to the Establishment of the peace and
"Tranquility of the Province."

Elizabeth Town

J. BELCHER

August 10: 1752.

The Council taking the same into Consideration are of Opinion that there is no reason to hope for any success from any Application to the Assembly in Respect to the Riotts untill His Majesty shall be pleas'd to send His Especial Commands therein and therefore cannot [advise] His Excellency to call the Assembly on that Account only That as to the prosecutions they are of Opinion that His Majestys Attorney General shou'd proceed according to the known Laws of the Land and that they see no Room to give any particular direction therein

a Petition from the Mayor Recorder Aldermen and Common Council of the free borough of Elizabeth in behalf of themselves and others the Inhabitants within the said Borough to have their Charters Alterd & some further priviledges &c^a was read.

a Petition of Joseph Bonney and his Letter of the 20th of July was read.

The Council are of Opinion that Neither His Excellency or the Council can do any thing in Respect to the Petition of Joseph Bonney without aid of the Legislature that for any thing that appears there may be relief for him in the Courts of Justice.

The Council taking into Consideration the Petition of the Mayor Recorder &c^a of the Free Borough of Elizabeth are of Opinion that the same be referred to M^r Alexander M^r Hude M^r Johnston M^r Kemble M^r Ogden or any three of them and that the Petitioners or some of them have Notice to deliver to the Committee a Draught of the Charter they Petition for.

His Excellency was pleased to Nominate John Roye and Ichabord Tompkins as Justices of the Peace in the County of Somerset to whom the Council agreed.

Ordered they be added to said Commission.

Also Nominated Stephen Crane and Timothy Whitehead to be Justices of the Peace for the County of Essex to which the Council agreed.

Ordered that they be added to the Commission for said Countys in Rank according to their Appointments.

His Excellency by Advice of Council signed the following warrants.

| | |
|---|-------------|
| N ^o 200. To himself for a Quarters Salary due this day..... | 250 : 0 : 0 |
| 201: To himself for a Quarters House Rent due this day..... | 15 : 0 : 0 |
| 202. To the Hon ^{ble} James Alexander Esq ^r for forty one days attendance in Council between the 7. of October 1743 & the 18: November 1743... | 12 : 6 : 0 |
| 203. To the Hon ^{ble} James Alexander Esq ^r for One hundred and Seventy two dayes attendance in Council between 29: of March 1749 to February 14: 1752..... | 51 : 18 : 0 |
| 204: To the Hon ^{ble} John Reading Esq ^r for forty three days Attendance in Council in September and October 1751..... | 6 : 8 : 0 |
| 205: To Samuel Nevill Esq ^r Second Justice of the Supream Court for Attend- ing the Supream Court at Burling- ton in May 1752 and for Holding the Court of Nisi Prius and Court of Oyer & Terminer in the County of Hunterdon on the Third Tues- day in May 1752..... | 16 : 0 : 0 |

| | |
|--|-------------|
| N° 206: To Ditto for his Salary as Second Judge of the Supream Court from the 10: of May to the 10: of August 1752..... | 6 : 5 : 0 |
| 207: To Charles Read Esq ^r for a Quarters Salary as Clerk of the Council for the Quarter ended this day..... | 7 : 10 : 0 |
| 208: To Ditto for a Quarters Salary as Third Justice of the Supream Court for the Quarter ended this day..... | 6 : 5 : 0 |
| 209: To Joseph Warrell Esq ^r for a Quarters Salary as Attorney General for the Quarter ended this day..... | 7 : 10 : 0 |
| 210: To Andrew Johnston Esq ^r for a Quarters Salary as One of the Treasurers of the Province for the Quarter ended this day..... | 10 : 0 : 0 |
| 211: To Samuel Smith Esq ^r for Quarters Salary as one of the Treasurers of the Province for the Quarter ended this day..... | 10 : 0 : 0 |
| 212: Samuel Smith Esq ^r for Copying the Votes of the General Assembly and the Laws passed in the Sessions at Burlington in September and October 1751 Also for Pens, Ink and Paper..... | 10 : 18 : 0 |
| 213: To John Smith a Quarters Salary as Clerk of the Circuits for the Quarter ended this day..... | 5 : 0 : 0 |
| 214 To William Bradford in full of his Account allowd..... | 141 : 1 : 0 |
| 215. To Ditto for one Hundred and Sixty Bound Books of the Laws of the Province as ^{an} Act of General Assembly..... | 200 : 0 : 0 |

216: To Anthony Elton for a Quarters
Salary as Door keeper to the Council for the Quarter ended this day 2:10:0

M^r Alexander acquainted His Excellency that Lewis Ashfield Esq^r was at the Door attending with His Majestys Mandamus to His Excellency for Swearing and admitting him One of His Majestys Council of this Province with a Certificate of his Acquital by due Course of Law of what he had been Charged with and allegd as Reason for the Delay of his Qualification and prayed that he might be called in

His Excellency adjourned the Council to Meet to morrow morning at Ten O.Clock.

Tuesday August 11: 1752

The Council Met Present His Excellency the Governor
The Hono^{ble} James Hude, Andrew Johnston and Petter Kemble Esq^r

His Excellency gave the following Answer to the Motion of James Alexander Esq^r of yesterday.

Gentlemen of the Council

"After what I said to you in October last & is on the
"Council Minits I am Surprized at the Motion made yesterday by M^r Alexander relating to the Kings Mandamus for
"admitting M^r Ashfield into the Council wth w^{ch} I once more
"tell you, You have no Business or Concern nor will I hear
"anything from you about it this I say to save Yourselves
"or me any further trouble and if you are minded to show
"that Young Gentleman any Respect I would advise you to
"teach him his Duty in this matter To the Kings Governour
"and when he practices it he shall have my Answer."

Elizabeth Town

J. BELCHER

August 11: 1752

His Excellency laid before the Board for their Consideration a Charter proposed for the Incorporation of the Five Dutch reformed Churches in the Counties of Middlesex, Somersett and Hunterdon wth being Read It is Orderd that it be Referrd to their next Quarterly meeting and that in the mean time the Secretary do procure the Statute of Mortmain.

Compared wth Minitts of Council of the Province of New Jersey of wth this is a true Copy

CHA READ D Secr^r

August 12, 1752

At a Council held at the Borough of Elizabeth on Monday the Twenty first day of November 1752.

Present

His Excellency Jonathan Belcher Esq^r Governour

The Hon^{ble} { James Hude
Andrew Johnston
Peter Kemble
David Ogden } Esq^r

His Excellency made The following Speech to the Council

Gentlemen of the Council

Since Our Last Meeting I have received His Majesty's Royal Additional Instructions Relating to a Revisal of the Laws of this Province, as also the Copy of an Act of the Legislature of Virginia lately pass'd There, for a Revisal of their Laws, and being commanded by the said Instruction to Act in Consert in this Matter with His Majesty's Council and the Assembly, I now lay the Copies of these things before you, and desire your advice and Opinion, in what may be the best Method for Carrying this Instruction into Execution

And whether it may not be Necessary to meet the Assembly (as soon as Conveniently may be) to Communicate these

things to them, and for Transacting such other Affairs of the Province as may be thought needfull

And as the Severe Season of the Year is just at hand I am doubtfull whether I shall be able to undertake a Journey to Burlington I therefore desire your Advice, whether it may not be most Expedient, to meet the Assembly at this place

Elizabeth Town

J BELCHER

Nov^r 21, 1752

Then An Additional Instruction referred to said Speech and the Act of the Legislature of the Collony of Virginia, were read.

A Complaint of Sundry Inhabitants of the County of Somerset against John Corle Esq^r for Neglect of his Duty as a Commissioner of the Loan Office for the said County, and praying the Governours Mandate for the Election of another in his Room was read

Ordered That a Copy of the said Complaint be made out and That a day be given for hearing The said Complaint, at the next Meeting of the Council which Copy and Notice, The Complainants or some of them are to Serve on John Corle Esq^r that he may have an Opportunity of making Answer to the said Complaint.

A Petition from John Albert Weggand Minister of a Lutheran Church at Bethlem in the County of Hunterdon praying for Liberty to Collect such Money as Charitable disposed People shall incline to give towards Building a Free School for the High Dutch in and near Bethlem aforesaid.

His Excellency by Advice of the Council Sign'd The following Warrants

| | |
|---|-------------|
| N ^o 217 To himself for a Quarters Salary due | |
| This day..... | 250 „ — „ — |
| 218 To himself for a Quarters house Rent | |
| due this day..... | 15 „ — „ — |
| 219 To Samuel Nevill Esq ^r for a Quarters | |
| Salary as 2 ^d Justice of the Supream | |
| Court, ended This day..... | 6 „ 5 „ — |

| | | |
|-----|--|------------|
| 220 | To Charles Read for a Quarters Salary as 3 ^d Justice of The Supream Court ended this day..... | 6 „ 5 „ — |
| 221 | To Joseph Warrell Esq ^r for a Quar- ters Salary as Attorney General of this Province ended This day..... | 7 „ 10 „ — |
| 222 | To Andrew Johnston Esq ^r for a Quar- ters Salary as one of the Treasurers of this Province ended this day..... | 10 „ — „ — |
| 223 | To Samuel Smith Esq ^r for a Quarters Salary as one of the Treasurers of this Province ended this day..... | 10 „ — „ — |
| 224 | To Charles Read Esq ^r for a Quarters Salary as Clerk of the Council ended this day..... | 7 „ 10 „ — |
| 225 | To John Smith for a Quarters Salary as Clerk of the Circuits..... | 5 „ — „ — |
| 226 | To Samuel Nevill Esq ^r for Attending 4 Courts of Oyer and Terminer Morris Bergen, Somerset and Mon- mouth in September and Octo ^r last and Burlington Court..... | 46 „ — „ — |

His Excellency Adjourn'd The Council till to Morrow
Morning Ten o'Clock

Tuesday Morning 10 o'Clock

The Council Met

Present

His Excellency Jonathan Belcher Esq^r Governour

| | | | | |
|------------------------|---|-----------------|---|------------------|
| The Hon ^{ble} | { | James Hude | } | Esq ^m |
| | | Andrew Johnston | | |
| | | Peter Kemble | | |
| | | David Ogden | | |

The Council gave The following Answer

May it please your Excellency

We His Majesty's Council for the Province of New Jersey having Considered, The Matters referred to us by your Excellency Yesterday Are of Opinion that the calling the General Assembly as soon as Conveniently may be, will be proper so as to proceed on the Affairs your Excellency Mentions, but whether the deferring the calling them to a More Seasonable time of the Year will not be more Practicable Than in The Severity of the Winter We Submitt to your Excellency. As to The Calling Them at their next Sitting to Meet at any other place Except Burlington is what We would not advise unless the ill state of health of your Excellency renders it Absolutely necessary of which you are The best judge, and if that should be the Case We advise The calling the Assembly to this place.

November 22^d 1752

The Council taking into Consideration The Petition of John Albert Weggand are of Opinion that it is for the Advantage of this Province That all due Encouragement be given to Protestant Schools and That the said John Albert Weggand have Liberty to Collect from the Charitable Donations of the people of this Province, a Sum not exceeding Five hundred Pounds Proclamation Money $\text{\textcircled{p}}$ Annum income and that before obtaining such Licence he give Security to be Lodged in the Secretary's Office that the Sums Collected shall be Apply'd towards Building and Supporting a Free School for the German Lutherans Agreeable to the prayer of the Petitioner.

His Excellency Nominated Thomas Woolverton for a Justice of the peace in the County of Morris to which the Council Assented.

A Patent for a Ferry over The North River at a place between The North Bergen line and half a Mile to the Southward of the great Slaugh to Stephen Bayard was read, and

the Advise of the Council being ask'd They do Advise His Excellency to grant the same.

Compared and Examin'd February 17th 1753

By

CHA READ D Secr^y

A Journal of the Proceedings of Council at a Session of the General Assembly begun and holden at the Borough of Elizabeth on the fourteenth day of December 1752

Present

| | | | | |
|------------------------|---|--|---|-------------------|
| The Hon ^{ble} | { | James Hude Andrew Johnston Peter Kemble David Ogden | } | Esq ^{rs} |
|------------------------|---|--|---|-------------------|

The House Continued till

December 15th 1752

The House Met Present

| | | | | |
|------------------------|---|--|---|-------------------|
| The Hon ^{ble} | { | James Hude Andrew Johnston Peter Kemble David Ogden | } | Esq ^{rs} |
|------------------------|---|--|---|-------------------|

The House Continued till

December 16th 1752

The House Met Present

| | | | | |
|------------------------|---|--|---|-------------------|
| The Hon ^{ble} | { | James Hude Andrew Johnston Peter Kemble David Ogden | } | Esq ^{rs} |
|------------------------|---|--|---|-------------------|

The House Continued till

December 18th 1752

The House Met Present

The Hon^{ble} { James Hude
Andrew Johnston
Peter Kemble
David Ogden } Esq^r

His Excellency came into Council and having by the Clerk of the Council required The Attendance of the House of Assembly, they Attended, when his Excellency was pleased to make The following Speech to both Houses.

Gentlemen of the Council and of the General Assembly

Since Our Last Meeting I have receive His Majesty's Royal Additional Instruction Respecting a Revisal of the Laws of this Province, by which I am required and Directed, jointly with The Council and Assembly (of this His Majesty's Province of New Jersey) forthwith to Consider The said Instruction, and which I communicated to His Majesty's Council at one of their Stated Meetings, The Latter end of Last month and in Obedience to His Majesty's said Royal order I have Conven'd you as soon as I conveniently could, That no time, might be lost in my laying it before you, and I shall now direct The Secretary to deliver you a Copy thereof, together with the Copy of an Act passed in The Collony of Virginia, which came to me with the said Instruction, and is of the Nature of What His Majesty expects from you, and as a Clear and well degested Body of Laws must have The best Tendency, for the Support of His Majesty's Authority and Interest and for the Promoting The peace and Welfare of this Province; I should Think to raise a joint Committee out of the Council and Assembly, to Act in this Matter would be highly prudent.

You are Sensible Gentlemen That Several of the Laws of the Province are Expired some Amended or Explain'd and

other Repealed, if therefore you can Agree to Come into a Body of Correct and Salutary Laws for the better Government of this Province you will be sure of all my Assistance, and ready Consent thereto as a Thing That will greatly Honour This Legislature, and Conferr the best Advantages on The present Inhabitants of the Province as well as Transmitt, them to their Successors in all times to Come ; I therefore Depend you will take This His Majesty's Royal order into your Serious and most Mature Consideration.

I am in The next place Gentlemen to Mention to you (with Abhorrence) the Rising of a Seditious Pack of Villains in April last, and Then Breaking open the Kings Goal at Amboy and delivering from Thence one Simon Wickoff who stood there Committed for High Treason upon which I must Earnestly Recommend to you, the passing of a good Law for the better Security of the Kings Goals and for the Severe Punishment of such Audacious Offenders for the future, but if after so many flagrant Instances of Mobing Rioting and breaking open the Kings Goal in This Province you will do nothing to Prevent it, no mans life or Property can be safe, nor can The King's Authority be Supported, and Those Things I am afraid will in The end bring upon you His Majesty's great displeasure

Gentlemen of the General Assembly

You are Sencible, That the Provision for the Support of The Government Expired The last Month and as the Publick Debts are paid up to that time, I shall not doubt your now taking The Necessary care of making an Ample Supply of Money to The Treasury That the debts of the Province, may be Justly paid from time to time as they may become due.

Gentlemen of the Council and of the General Assembly

The Arrival of His Majesty's Royal order which I have first¹ Mentioned to you with what else I now lay before you, has made it absolutely Necessary for me to meet you at this time Altho' it is a Difficult Season of The Year yet as it is

¹ Just.

but early in The Winter, you may with Close Attention give Dispatch to the things now lying before you, before the Severity of the Weather sits in, I should have been glad to have met you at Burlington but by the Advice of my physicians I might not undertake such a Journey at this time of the year, and The calling you hither is Exactly Conformable to His Majesty's Royal Order *having received the Advice of His Majesty's Council Therein*, as to The Place of the Sitzings of the Assembly in Case of any Extraordinary Necessity.

As the best Concord and Unanimity will give Spirit and Strength to all your Deliberations so I shall look upon it, as a happy Omen of peace and Prosperity to the Province

J. BELCHER

Elizth Town Dec^r 14 1752

December 19, 1752

The House met Present

The Hon^{ble} { James Hude
Andrew Johnston
Peter Kemble
David Ogden } Esq^r

The House Continued till

December 20, 1752

The House Met Present

The Hon^{ble} { James Hude
Andrew Johnston
Peter Kemble
David Ogden } Esq^r

The House Continued till

December 21, 1752

The House Met Present

The Hon^{ble} { James Hude
Andrew Johnston } Esq^r
David Ogden }

His Excellency came into Council and having by the Clerk informed the House of Assembly that he was in the Council Chamber ready to receive The Address of that House, They attended and delivered Their Address in The following Words Viz^t

To His Excellency Jonathan Belcher Esq^r Captain General and Governour in Chief in and Over His Majesty's Province, of New Jersey and Territories Thereon depending in America Chancellor and Vice Admiral in The same.

The humble Address of the house of Representatives of the Collony of New Jersey in General Assembly met

May it please your Excellency

We His Majesty's Most dutifull and Loyal Subjects The Representatives of the Collony of New Jersey, do beg Leave to Express Our gratefull Acknowledgements of His Majesty's Paternal care over us, in sending to your Excellency an Additional Instruction for the Revisal of Our Laws; But as They have been carefully Collected by order of the General Assembly at a Great Expence, and all those that are Expired or Repeal'd left out, and Those Altered Amended or Explain'd pointed out and References made by the Marginal Notes, and a New Impression of them so lately made, That they came out but a few Months [ago?]¹ of which His Majesty's Ministers, could not have Notice at the date of that Instruction. And as they have been from time to time Transmitted to the Right Honourable Lords Commissioners for Trade and

¹ Nevill's Acts of the General Assembly, printed in 1752.

Plantations, and Those of the most Importance have received His Majesty's Royal Approbation We are humbly of Opinion, that His Majesty will think that we are not under The like Necessity of Revising Our Laws as the Colony of Virginia where their Laws were in great disorder and Confusion as they have set forth by the Preamble of their Act Nevertheless we are of Opinion, That it is a Duty Incumbent on us, as it hath pleased His Majesty to Recommend The Matter to your Excellency by an Additional Instruction according to your Excellency's Advice, to give, in Our most Mature and Serious Consideration untill Our Next Meeting, and at that time with the Advice of Our Constitution¹ if any of these Inconveniencies Mentioned in the said Instruction do appear We shall do Our Endeavours to remedy it, by preparing some Bill or Bills, to be pass'd into a Law or Laws for that Purpose.

This House were in hopes That as for some Years past They have heard nothing of any Goals being broke open in This Colony by a Set of Rascals Persons, That these people had seen their great Error and Voluntarily Submitted to The Laws, and it is with Concern and Abhorrence of these facts that We heard of a Great Crime committed last April in Taking out a Prisoner at Amboy committed on an Indictment for High Treason but as he Voluntarily in a Short time returned to that Goal and was Bailed out in August last by the Supreme Court we are still in hopes That The Laws will take place, and That these Wicked offenders will Return to their Duty.

We are very Sensible, of the Expiration of the Act for Support of the Government, and shall willingly and Cheerfully make an Adequate Allowance to all those whose Services are Beneficial to the Publick; but as it will be Convenient at the same time, To dispatch The most Necessary Business of the Colony, and as The Season of the year is so far Advanced That we Expect the Severity of the Winter, which gives great delay to the Business of Assembly. Therefore

¹ CONSTITUTION.

we should have Taken it very Gratefully, if your Excellency had delay'd The calling us together till a more Moderate Season. The Calling us to any other part of the Collony, besides Perth Amboy and Burlington, in case of Great Necessity with Advice of Council, we conceive may be agreeable to His Majesty's Royal Instruction, but as we Apprehend There is no such Necessity of Calling Us to this place, at this time, is The Reason Together with The Cold Seasons coming on, That We do not Incline to Proceed to Business here

By order of the House

CHARLES READ Speaker

Several of the Members being of the }
people called Quakers Agree to the }
Substance of this Address with Their }
Usual Exceptions to the Stile }

The House Continued till

December 22^d 1752

The House Met Present
His Excellency the Governour

The Hon^{ble} { James Hude
Andrew Johnston } Esq^r
David Ogden }

A Message from His Excellency was sent by the Clerk of the Council to require their immediate Attendance and they came accordingly when His Excellency spake to them as follows

Gentlemen of the General Assembly

In answer to your Address of yesterday, I am glad to find you are Sensible of His Majesty's Paternal care, in His Royal Instruction sent me to Act jointly with His Majesty's Council

and with you for a Revisal of the Laws of this Province, and which Instruction you will take into your more Mature Consideration at your next Meeting

The Answer you have made me as to making Provision for The better Security of the Kings Goals of this Province, upon the least Reflection you must see, is very foreign, and no real genuine Answer to what I mentioned relating to the King's Goals, and of an Act to Punish such who in Defiance of His Majesty and the Laws, do at their Pleasure with force and Violence, break open the King's Goals, and set at Liberty such as Stand Committed for the Most Atrocious Crimes

The Prisoner who stood Committed at Amboy after being rescued from Goal, returning Voluntarily thither can be no Alleviation of the Crime of that Tumultuous and Riotous gathering of those who delivered him ; besides if the Prisoner return'd of his Own Choice he might have Chose otherways, and in That Case Laws are made and Goals erected, in order to The better Support of His Majesty's Authority and for Preserving the Peace and Welfare of His Subjects of this Prvince quite in Vain, and I am afraid your Answer on this head will not put you into That favourable Light, I could wish you might always stand with His Majesty

Gentlemen I was in hopes what I said to you at your first making a house, wou'd have led you, to a Proceeding on such things as I laid before you ; but I am now Sorry to have The Occasion to Communicate to you The following Instruction from His Majesty relating to the place of the Sitting of the Assembly.

"Our Will and Pleasure is That with all Convenient Speed
 "you call together one General Assembly for the Enacting of
 "Laws for the Joint and Mutual good of the whole Province
 "that the first Meeting of the said General Assembly be at
 "Perth Amboy in East New Jersey in Case The last was at
 "Burlington and That all future General Assembly's do meet
 "and Sit at one or The other of these places Alternately or
 "otherwise, as you with the Advice of Our aforesaid Council

"shall think fit in Case of Extraordinary Necessity to Appoint
"them

By this you will See *The King has absolutely committed to His Governour and Council The Alteration of the place of the Assembly's Sittings upon an Extraordinary Necessity*, nor has The King allowed The Assembly to judge of that Necessity, however if you will consider That I am Commanded by the Additional Instruction, to lay 'it forthwith before you and that the low state of my health and Strength, would not Possibly allow of my making a Journey to Burlington, therefore the calling you hither at this time, you must see is the very case the King has Provided for by His Royal Instruction that His Service (together with the Affairs of the Province) should find no Obstacle, I am therefore Surprized Since you have got hither that you should come to a Resolution not to Proceed upon business

Life and health are in the hands of the Alwise and Sovereign disposer of all things, and if he pleases to spare my life, and better my health and Strength, I will endeavour to meet you The next Spring at Burlington, but if it should be otherwise (according to the Common Course of Nature) you can have no reasonable Expectation of it.

I heartily wish you to your Several places of Abode in Health and Safty

J. BELCHER

Elizabeth Town December 22 1752

Then he Acquainted Them that He would order the General Assembly to be Prorogued to the 22nd day of February next which was done Accordingly.

Compared and Examined February 17th 1753

By CHA READ D Sec^y

A Journal of the Proceedings of General Assembly begun
and holden at Burlington on

Wednesday May 23^d 1753.

The House Met

Present

| | | |
|------------------------|----------------|--------------------|
| | John Rodman | } Esq ^r |
| The Hon ^{ble} | Thomas Leonard | |
| | Richard Saltar | |

A Message from the Assembly by M^r Hancock and M^r
Wood Viz^t

Order'd That M^r Hancock and M^r Wood do Carry the Bill
Entituled a Supplementary Act to the Act Entituled An Act
to enable the Owners of the Meadows and Marshes belonging
to the Town of Salem to keep out the Tide from overflowing
the same to The Council for Concurrence

His Excellency came into Council and having by the D
Secretary commanded The Attendance of the House of
Assembly They Attended when his Excellency was pleased
to make The following Speech to both Houses.

Gentlemen of the Council and of the General Assembly

Agreeable to what I said in December last when I parted
with you at Elizabeth Town, I am through the favour of God
(with much Difficulty) got to this place, and The first Thing
I have to observe to you, is, That in Conformity to what the
Assembly Said in Answer to my Speech at that time that you
would now take into your most Mature and Serious Consid-
eration His Majesty's Paternal Goodness in Recommending
to you, a Revisal of all your Laws and of doing in Conse-
quence thereof according to the King's Royal Instruction, I
then laid before you, and this I again recommend to your
very Particular deliberation.

And I must also again Mention to you The old and Un-

happy Affair of Riots and Tumults in this province, and That you would once at last, exert your selves to the utmost of your Power by passing some good Law or Laws, to Suppress and exterpate such wicked Proceedings, nor do I think you can in any one Thing more recommend your selves to the Royal favour, or more Contribute to the welfare and happiness of yourselves and of your Posterity

Gentlemen

You will carefully enquire into what Laws are Expired and see what may be Necessary to be received¹ among which I beleive The Militia Act is one.

Gentlemen of the General Assembly

It is Incumbent on you, to make a Carefull and Thorough Inquiry into the State of your paper Bills, and Lay proper funds for drawing in and sinking such of them The Course of whose Currency is Expired according to Law.

I am also to observe to you That there is no money in The Publick Treasury appropriated for payment of the Debts of the Province, in Remedy whereof I shall not Doubt your proceeding according to the good rules of Reason and Justice.

Gentlemen of the Council and of the General Assembly

As it will soon be a very busy Season of the Year not only the General Interest of the province, but also that of your Private Affairs I hope will Lead you to the best Dispatch in all Things That may come before you this Session, for the Publick good and to This end I wish the best Candour and Harmony may Subsist among yourselves

J. BELCHER.

Burlington May 23^d 1753.

Then The General Assembly withdrew.

His Excellency laid before The Council The Copy of the Record of The Supream Court of this Province as follows.

¹Revised.

At a Supreme Court held at Perth Amboy March Term
1752

Present

The Hon^{ble} Samuel Nevill Esq^r

| | | | |
|-------------------|---|--------------------------------|-------------|
| The King | } | On Indictment for words Spoken | |
| (a) | | Assault &c | |
| Lewis M. Ashfield | } | Att Issue | Jury called |

The Defendant as to the Second part of the Indictment relating to the Assault rather than Contend with Our Sovereign Lord the King Protesting his Innocence withdraws his plea and puts himself upon the favour of the Court, but prays Leave to produce Evidence to induce The Court to Lay a small fine

Jury Sworn &c

The Evidence and Council on both sides being fully heard The Court sum'd up, and a Constable being Sworn to keep the Jury The Court adjourned for half an Hour to the House of M^r Serjeant and left the Jury in the Court Room.

The Court Opened

Present

| | | |
|-------------------|---|--|
| The King | } | The Hon ^{ble} Samuel Nevill Esq ^r |
| (a) | | The Jury came into Court and say |
| Lewis M. Ashfield | } | That they are Agreed on their Verdict and find The Defendant not guilty. |

| | | |
|-------------------|---|--|
| Lewis M. Ashfield | } | Upon Recognizance on Comp ^t of |
| ad ^r | | William Morris Jun ^r Upon Proclamation three times made no one appearing to shew why the Defendant should be Longer bound, he is Discharged |
| The King | } | On Indictment for Assault |

| | | |
|------------------------------------|---|--|
| The King @ Lewis M. Ashfield | } | The Defendant on Fryday last having put himself upon The favour of the Court the Court now fines him six Shillings and Eight pence and Ordered that he stand Committed till fines and fees be paid |
|------------------------------------|---|--|

THO^r BARTOW Cl^k

Then M^r Ashfield presented to His Excellency His Majesty's Royal Mandamus for his Admission as one of his Majesty's Council of this Province in The following Words

George R:

Trusty and well beloved We Greet you well We being well Satisfied of the Loyalty Integrity and ability of Our Trusty and well beloved Lewis Ashfield Esq^r have Thought fit hereby to Signify Our Will and pleasure to you That forthwith upon the Receipt hereof you Swear and Admit him the said Lewis Ashfield to be one of Our Councill of that Our Province of New Jersey in America in The Room of Richard Smith Esq^r deceased and for so doing this shall be your Warrant and so We bid you farewell Given at Our Court at S^t James's The Eighth day of May 1751 in The twenty fourth Year of Our Reign

By His Majesty's Command

BEDFORD

Lewis Ashfield Esq^r
to be of the Council of New Jersey.

Superscrib'd

To Our Trusty and well beloved Jonathan Belcher Esq^r Our Captain General and Governor in Chief of Our Province of Nova Cæsarea or New Jersey in America and in his Absence, to Our Commander in Chief or to the President of Our Council of Our said Province for the time being.

After which M^r Ashfield by his Excellency's Direction took the Oaths Required by Law and The Oath for the due Execution of the Office, and took his Seat Accordingly

The House Continued till

Thursday May 24th 1753.

The House Met

| | | |
|------------------------|----------------|--------------------|
| | Present | |
| | John Reading | } Esq ^m |
| | John Rodman | |
| The Hon ^{ble} | Thomas Leonard | |
| | Richard Saltar | |
| | Lewis Ashfield | |

The Bill Entituled a Supplementary Act to the Act Entituled An Act to enable The Owners of the Meadows and Marshes belonging to the Town of Salem to keep out the Tide from overflowing the same was read a first time and Ordered a Second Reading.

M^r Wetherill and M^r Van Middlesworth from the House of Assembly brought for the Concurrence of this House The Bill Entituled an act to further Continue An Act for better Setling and Regulating The Militia of this Colony of New Jersey for the Repelling Invasions and Suppressing Insurrections and Rebellions passed in The Nineteenth year of His present Majesty's Reign which was read a first time and Ordered a Second Reading

The House Continued till

Fryday May 25th 1753

The House Met

| | | |
|------------------------|----------------|--------------------|
| | Present | |
| | John Reading | } Esq ^m |
| | John Rodman | |
| The Hon ^{ble} | Thomas Leonard | |
| | Richard Saltar | |
| | Lewis Ashfield | |

The Bill Entituled a Supplementary Act to the Act Entituled An Act to Enable the Owners of the Meadows and Marshes belonging to the Town of Salem &° was read a Second time and Ordered a third reading

The Bill Entituled an act to further continue An Act Entituled an Act for better Setling and Regulating the Militia &° was read a Second time and ordered a Third Reading.

The Bill Entituled a Supplemetary Act to the Act Entituled An Act to enable The Owners of the Meadows and Marshes belonging to the Town of Salem was read a third time and On Question

Resolved That the Same do pass

Order'd the Speaker do Sign the same

Order'd that M^r Ashfield do Acquaint the House of Assembly therewith.

The Bill Entituled an Act to further Continue An Act Entituled an Act for better Setling and Regulating The Militia of this Province &° was read a Third time and on Question

Resolved That the same do pass

Order'd The Speaker do Sign the same

Order'd That M^r Ashfield do Acquaint the House of Assembly therewith

A Message from the House of Assembly Viz^t

Ordered that M^r Emley and M^r Deacon do carry The Bill Entituled An Act to repeal and Explain part of An Act Entituled a Supplementary Act to the Act Entituled An Act to Prevent the Killing of Deer out of Season and against Carrying of Guns and Hunting by Persons not Qualified for Concurrence which was read a first time and Ordered a Second Reading

The House Continued till

Monday May 28th 1753

The House Met

Present

| | | |
|------------------------|-----------------|--------------------|
| | Andrew Johnston | } Esq ^r |
| The Hon ^{ble} | Thomas Leonard | |
| | Lewis Ashfield | |

A Message from the House of Assembly Viz^t

Order'd that M^r Leaming and M^r Newbold do carry the Bill Entituled An Act for Chusing Overseers of the Highways to the Council for Concurrence

A Message from the House of Assembly Viz^t

Order'd That M^r Emley and M^r Fisher do Carry the Bill Entituled An Act for the further Revival and Continuance of An Act Entituled An Act for The Relief of poor distress'd prisoners for debt to the Council for Concurrence.

The House Continued till

Tuesday May 29th 1753

The House Mett

Present

| | | |
|------------------------|-----------------|--------------------|
| | John Rodman | } Esq ^r |
| | Andrew Johnston | |
| The Hon ^{ble} | Thomas Leonard | |
| | Lewis Ashfield | |

A Message from The House of Assembly Viz^t

Order'd that M^r Hancock and M^r Wood do carry the Bill Entituled An Act to enable The Owners of the Meadows and Marshes adjoining to and on both sides of Manington Creek to stop out the Tide from overflowing The Same.

M^r Ashfield reported That he had obeyed The Orders of the House of Fryday last

The House Continued till

Wednesday May 30th 1753

The House Met

Present

| | | |
|------------------------|-----------------|--------------------|
| | John Reading | } Esq ^r |
| | John Rodman | |
| The Hon ^{ble} | Andrew Johnston | |
| | Thomas Leonard | |
| | Richard Saltar | |
| | Lewis Ashfield | |

The Bill Entituled An Act for chusing Overseers of the Highways was read a first time and Ordered a Second reading.

The Bill Entituled An Act for The further Revival and Continuance of An Act Entituled An Act for the Relief of poor distress'd Prisoners for debt was read a first time and Order'd a Second reading.

The Bill Entituled An Act to enable The Owners of the Meadows and Marshes Adjoining to and on both sides of Manington Creek to stop out The Tide from overflowing them was read a first time and Order'd a Second reading.

A Message from the House of Assembly Viz^t

Order'd That M^r Lawrence and M^r Newbold do carry The Bill Entituled An Act for Continuing An Act Entituled An Act to Prevent Actions of Fifteen pounds and under being brought into The Supream Court of this Colony to the Council for Concurrence which was read a first time and Ordered a Second reading.

A Message from the House of Assembly Viz^t

Order'd that M^r Lawrence M^r Cooke M^r Leaming M^r Mickle and M^r Wood be a Committee to join a Committee of the Council to Inspect the Treasurers Accounts and also to Inspect and burn The Cancell'd Bills and make report to the House and That M^r Deacon and M^r Hancock do inform the Council therewith and desire them to appoint a Committee for that Purpose.

Order'd That M^r Leonard M^r Saltar and M^r Ashfield be a Committee of this House to join the Committee of the House of Assembly to Inspect the Treasurers Accounts and also to Inspect and burn the Cancell'd Bills and make Report to the House and that M^r Ashfield do Acquaint the House of Assembly Therewith

M^r Ashfield reported that he had obeyed the above Order.

The Bill Entituled An Act to explain part of An Act Entituled A Supplementary Act to the Act Entituled An Act to Prevent the killing of Deer out of Season &c was read a Second time and Committed to the Members of the House or any three of them.

The House Continued till

Thursday May 31st 1753

The House Met

Present

| | | |
|------------------------|-----------------|--------------------|
| | John Reading | } Esq ^r |
| | John Rodman | |
| The Hon ^{ble} | Andrew Johnston | |
| | Thomas Leonard | |
| | Richard Saltar | |
| | Lewis Ashfield | |

A Message from the House of Assembly Viz^t

Order'd That M^r Hancock M^r Fisher M^r Lawrence M^r Leaming M^r Ogden and M^r Newbold be a Committee to Join a Committee of the Council on a free Conference to Consider the most effectual way to lay the Calamituous Scituation of the Province for want of a Paper Currency before His Majesty in order to obtain His Royal Assent for a New Emission of Bills of Credit in this Colony and That the Report of the Committee of This House and The Petitions on the Same be laid before them and that M^r Holmes do acquaint the Council thereof and desire them to appoint a Committee for that Purpose and prefix time and place.

The Bill Entituled An Act for Chusing overseers of the Highways was read a Second time and Committed to the Members of the House or any, Three of them

The Bill Entituled An Act for the further Revival and Continuance of An Act Entituled An Act for the Releif of poor distress'd Prisoners for debt was read a Second time and Order'd a Third reading.

The Bill Entituled An Act to enable the Owners of the Meadows and Marshes Adjoining to and on both sides of Mannington Creek &c was read a Second time and Order'd a Third reading.

The Bill Entituled An Act for Continuing an Act Entituled An Act to Prevent Actions of Fifteen pounds and under being brought into the Supream Court &c was read a Second time and Ordered a Third Reading

M^r Saltar from the Committee on The Bill Entituled An Act for Chusing Overseers of the Highways reported That they had made some Amendments to The said Bill which Amendments were read and Agreed to by the House.

Order'd that the said Bill with the Amendments Thereto be read, which was done accordingly, and on Question

Resolv'd that the said Bill with the Amendments do pass

Ordered That M^r Saltar do carry down The said Bill with the Amendments made Thereto by this House to the House of Assembly for Their Concurrence

The House Adjourned to 3 P : M

The House Met

Present

| | | |
|------------------------|-----------------|--------------------|
| The Hon ^{ble} | John Reading | } Esq ^r |
| | John Rodman | |
| | Andrew Johnston | |
| | Thomas Leonard | |
| | Richard Saltar | |
| | Lewis Ashfield | |

The Bill Entituled An Act for the further Revival and Continuance of An Act Entituled An Act for the Releif of poor distress'd Prisoners for debt, was read a Third time and on Question

Resolved that the said Bill do pass

Order'd that the Speaker do Sign the Same

Ordered that M^r Saltar do Acquaint the house of Assembly therewith

The Bill Entituled An Act to enable The Owners of the Meadows and Marshes Adjoining to and on both sides of Manington Creek &c was read a Third time and on Question

Resolv'd That The same do pass

Order'd The Speaker do Sign The same

Order'd that M^r Saltar do Acquaint the House of Assembly Therewith.

The Bill Entituled An Act for Continuing An Act Entituled An Act to Prevent Actions of Fifteen pounds and under being brought into the Supream Court of this Colony was read a Third time and on Question

Resolv'd That the same do pass

Order'd the Speaker do Sign the same

Order'd that M^r Saltar do Acquaint the House of Assembly therewith.

The House Continued till

Friday June 1st 1753

The House Met

Present

John Reading

John Rodman

Andrew Johnston

Thomas Leonard

Richard Saltar

Lewis Ashfield

The Hon^{ble}

Esq^s

M^r Saltar reported that he had obey'd the Orders of the House of yesterday

The House Adjourned till 3 P : M

The House Met

Present

| | | |
|------------------------|-----------------|--------------------|
| | John Reading | } Esq ^r |
| | John Rodman | |
| The Hon ^{ble} | Andrew Johnston | |
| | Thomas Leonard | |
| | Richard Saltar | |
| | Lewis Ashfield | |

A Message from the House of Assembly Viz^t

Order'd that M^r Fisher M^r Wetherill M^r Emley and M^r Newbold do Carry the Bill Entituled An Act for the Support of Government and to discharge the Publick debts and the Arrearages and Contingent Charges thereof and for Setling of the Quotas in the Respective Counties and Levying of a Provincial Tax to the Council for Concurrence which was read a first time and Order'd a Second Reading.

A Message from the House of Assembly Viz^t

Order'd that M^r Newbold and M^r Deacon do carry the Bill Entituled An Act to repeal an Act for the better Repairing and Amending The Publick Highways Roads Streets Wharf and Bridges within The Town of Burlington to the Council for Concurrence which was read a first time and Order'd a Second reading

The House Continued till

Tuesday June 5th 1753.

The House Met

| | | |
|------------------------|-----------------|--------------------|
| | Present | |
| | John Reading | } Esq ^r |
| | John Rodman | |
| The Hon ^{ble} | Andrew Johnston | |
| | Richard Saltar | |
| | Lewis Ashfield | |

A Message from the House of Assembly Viz^t

Order'd That M^r Emley and M^r Deacon do carry the Bill reingross'd with the Council's Amendment Entituled An Act for Chusing Overseers of the Highways and Acquaint them That this House have pass'd The same which being read with the Amendments and Compared

Order'd the Speaker do Sign the same

The Bill Entituled An Act for the Support of Government &^o was read a Second time and Committed to the Members of the House or any Three of them.

The Bill Entituled An Act to repeal An Act for the better Repairing and Amending The Publick Highways &^o was read a Second time and Order'd a Third Reading

His Excellency came into Council and having by the D: Clerk of the Council Acquainted the House of Assembly that he was ready to receive their Address, they Attended and Delivered in the following Address

To His Excellency Jonathan Belcher Esq^r Captain General and Governor in Chief in and over His Majesty's Province of Nova Cæsarea or New Jersey and Territories Thereon depending in America Chancellor and Vice Admiral in the same.

The Humble Address of the Representatives of said Province in General Assembly Met

May it please your Excellency

We His Majesty's most dutifull and Loyal Subjects the Representatives of the Colony of New Jersey in General Assembly Met beg leave to observe to your Excellency That we are well pleased your health is so farr established as to enable you to meet us at this place where of Course the Assembly ought to Sit according to Our present Constitution which being preserved inviolable will always be most agreeable to us and those we represent And in Conformity to what We said to your Excellency at Our last sitting respecting a Revisal of our Laws We have Since that taken the same into our further and most Serious Consideration and have likewise Consulted Our Constituents Thereon but do not find such revisal Necessary seeing That [it] hath been so Lately done with which His Majesty could not be Acquainted when The Instruction to your Excellency upon that head was Issued however to put this Matter beyond a doubt we have Ordered a New Book Containing the Body of Our Laws as Revised to be Transmitted [to] the Lords Commissioners for Trade and Plantations whereby their Lordships will see our Laws are as well revised as can be expected from an Infant Colony which will in our Opinion induce them to believe nothing further upon this head is at Present Necessary to be done however We acknowledge with gratitude His Majesty's Paternal Care over us in This Respect and return your Excellency our Thanks for recommending it to our Mature Consideration.

We are sorry to hear so often of the Riots and Tumults within this Colony and beg leave to assure your Excellency That this House have always looked upon those disorders with great abhorrence and must observe That several Perpetrators of them have been Confin'd in Goal and Petitioned for such Tryals as by the Ordinary Course of Justice they esteem'd themselves entituled to and the late House of Assembly on the 14th of October 1749 applied to your Excellency for Issuing a Special Commission for Trying those Petitioners

which you did not see proper to Grant not thinking it as you was pleased to say, Consistant with the Honour of His Majesty's Government or The peace of the Province so to do As by your Message to that House of February 22 „ 1749 „ 50 doth appear wherein you inform'd Them That the Gentlemen of His Majesty's Council were of Opinion such Commission might not be granted However the then House by Their Address of the 22^d of the same February appear'd Different in Sentiment and intimated The Granting said Commission as a Matter of Importance towards Suppressing The Spirit of Tumult urging that Speedy Tryals for the Punishment of Vilany seldom fail'd of having a due Effect upon the minds of the Populace with which we at Present Concur for when Offenders are Speedily brought to Justice it must Certainly deter others from Committing the like Offences. But if suffered to escape with impunity it not only prompts them to persevere but also may Induce others to imitate their Evil practices through the hopes of Indulgence now had the Commission been granted and the Persons who had Petitioned therefore been brought to Tryal and if found guilty received Punishment Adequate to their Crimes it might have greatly Conduced towards Suppressing this Spirit of Tumult as already Suggested nay perhaps it might have proved an Effectual Cure and we may further observe that your Excellency has neither acquainted us with nor have we been inform'd of any Riots being Committed (on the old Contests about Lands the principal Spring of all those disorders) since The Rescuing Simon Wycoff from out of Goal which you was pleas'd to tell us on last Winter at Elizabeth Town which fact was committed Thirteen Months past and Tho so long since Committed yet have we not hither to heard of any of the Persons concerned Therein being brought to Punishment nor do we understand That any Attempt has been made for trying them or any other of the Rioters which in our humble Opinion evidently implys a failure in The Persons appointed to put the Laws in Execu-

tion not to be extenuated by any Pretence for the want of Law to Justify them in proceeding against those offenders for we Apprehend it will be granted the Laws now in being are Sufficient for that purpose and therefore We Think it advisable for your Excellency to Press the Tryals of The Perpetrators of those disorders upon the Officers entrusted with The Execution of the Laws. untill that be done and they exert themselves Therein we hope no further applycation will be made to us on this head neither did we esteem such applycation necessary at this time seeing the Colony is in a State of Tranquility for any thing We know and why this should be again recommended to us we cannot tell but are unwilling so much as to imagine it can be done with any View to stir up His Majesty's resentment against us with whom we would ever stand in The most favourable Light and We doubt not but his Royal Wisdom and Goodness will graciously incline him to Search out the true Cause of those Late unhappy disorders and if he finds them to be owing to matters of private property and a failure in the Execution of the Laws as we esteem the Case to be then will he not impute any blame to us or our posterity but both We and they must still stand Interested in his Royal favour.

We have Carefully Inquired into what Laws are already Expired and near Expiring and among the rest do find the Militia act is one and have pass'd Bills for reviving and continuing that and all others under The like Circumstances to which we pray your Excellency's Assent.

We have made a Carefull and thorough Inquiry into the date of our paper Bills and find the currency of those emitted on Loan to the Inhabitants of this Colony expired between Man and Man the 25th of March last O: S:¹ but are to be received by the Commissioners of the Loan Office and the Treasurers of the Respective Divisions of this Colony for Six Months thereafter in which time we have reasons to believe they will be paid in according to the tenor of the Laws

¹ The New Style was introduced by England in 1752, by an act of Parliament passed in 1751.

by which they were Issued and then a Currency will be completely paid in which hath been of Great Service to this Colony, maintain'd its Credit without fluctuation and The want of which will be but too Sencibly experienced.

As the funds at first design'd for sinking the Paper Bills (Struck on Loan to His Majesty and otherwise given to aid him in the Late warr) have principally failed, so we have Order'd a Bill to be brought in for Supplying their deficiency by raising a proper fund for sinking all those Bills whereby the Possessors thereof will see they are in no danger of loss therein which may give life to their Currency untill the time of their being sunk but as the Colony is now greatly involved in debt upon Account of the late Warr The paper Currency heretofore Emittid on Loan to the Inhabitants thereof is already expired the Interest of which for a long Series of time Discharged the Provincial Taxes and Seeing no Solid dependence can be placed on The Foreign Specie That being so lyable to be drawn hence for making remittances to Brittain and as The Inhabitants of the Colony are daily praying for another Emission of paper currency who have the truest Sence of their own wants so under all those exigencies it is absolutely necessary not only for Our Relief in The Premisses and for granting the prayers of the people but also for the future Support of the Government that such emission should be granted and therefore we shall not doubt your Excellency's best endeavours for obtaining it.

We have pass'd a Bill for Support of Government and supply of the Treasury wherein we hope all Concern'd will believe we have Acted according to the good rules of reason and Justice.

We readily confess the General Interest of the Colony and that of our private affairs naturally press us to the speediest dispatch in all such things that have or shall Come before us This Session and to the end The same may be short and beneficial we on our part not only have endeavoured but shall endeavour to promote the best Candour and Harmony hoping

the other branches of the Legislature will Concur with us therein.

Several of the Members of this House being of the people called Quakers concur to the Matter and Substance of this Address but make their usual Exceptions to the Stile

By Order of the House
CHARLES READ Speaker

M^r Ashfield from the Committee on the Bill Entituled An Act to repeal and Explain part of An Act Entituled a Supplementary Act to the Act Entituled An Act to prevent the Killing of Deer out of Season &c Reported that They had made some Amendments to said Bill which Amendments were read in Their place and Agreed to by the House

Order'd that M^r Ashfield do Carry the said Bill with the Amendments made thereto by this House to the House of Assembly for Concurrence.

The Council taking into Consideration the Message from the Assembly of Thursday last, requesting a free Conference with a Committee of this House have appointed M^r Rodman M^r Johnston and M^r Saltar [to] be a Committee of this House to join the Committee of the House of Assembly for that Purpose and that 4 O'clock this afternoon at the House of Jonathan Thomas be the time and place of meeting and That M^r Ashfield do Acquaint the House of Assembly there-with

The House Adjourn'd till 3 P : M

The House Met

Present

| | | | |
|------------------------|-----------------|---|------------------|
| The Hon ^{ble} | John Reading | } | Esq ^r |
| | John Rodman | | |
| | Andrew Johnston | | |
| | Richard Saltar | | |
| | Lewis Ashfield | | |

M^r Johnston from the Committee on the Bill Entituled An Act for the Support of Government &c Reported the said Bill without any Amendment

Ordered that the said Bill be read a Third time which was read and on Question

Resolv'd that the same do pass

Order'd that the Speaker do Sign the same

Order'd that M^r Ashfield do Acquaint the House of Assembly therewith

A Message from the House of Assembly Viz^t

Order'd that M^r Deacon M^r Newbold M^r Ogden and M^r Holmes do carry the Bill Entituled an Act for Levying a Fund at Different Periods by Provincial Taxes for sinking the Sum of Fifteen Thousand three Hundred and two pounds and four-pence now outstanding in Bills of Credit made Current for His Majesty's Service in the Late war for Concurrence which was read a first time and Order'd a Second reading

The House Continued till

Wednesday June 6th 1753

The House Met

Present

| | | |
|------------------------|-----------------|--------------------|
| | John Reading | } Esq ^r |
| | John Rodman | |
| The Hon ^{ble} | Andrew Johnston | |
| | Thomas Leonard | |
| | Richard Saltar | |
| | Lewis Ashfield | |

M^r Rodman from the Committee of this House Reported that they had met the Committee of the House of Assembly on a free Conference as was requested and that upon reading and Considering the Several Petitions laid before them Con-

cerning a new Emission of Bills of Credit, did not (at this time) think it Convenient to join in an address to His Majesty for Leave to pass An Act for that purpose.

A Message from the House of assembly Viz¹

Order'd that M^r Mott and M^r Emley do carry the Bill Entituled an Act for Errecting the upper parts of Morris County in New Jersey into a Seperate County to be called The County of Sussex and for Building a Court House and Goal in each of the said Counties to the Council for Concurrence which was read a first time and Order'd a Second Reading

The Bill Entituled An Act to repeal an Act to repeal An Act for the better repairing and Amending the Publick Highways &c was read a Third time and on Question

Resolv'd that the same do pass

Order'd that the Speaker do Sign the same

Order'd that M^r Ashfield do Acquaint the House of Assembly therewith.

A Message from The House of Assembly Viz¹

Order'd that M^r Van Coost¹ and M^r Deacon do carry the Bill reingross'd with the Councils Amendments Entituled An Act to repeal and explain part of An Act Entituled a Supplementary Act to the Act entituled An Act to Prevent the Killing of Deer out of Season &c to the Council and Acquaint them that this House have passed the same which being read with the Amendments and Compared

Order'd that the Speaker do Sign the same

The Bill Entituled An Act for Levying a fund at different periods &c was read a Second time and Committed to the Members of the House or any three of them.

M^r Ashfield Reported That he had Obey'd the Orders of the House of yesterday and to day.

The House Adjourned till 3 P : M

¹ Van Vorst.

The House Met

Present

| | | |
|------------------------|-----------------|--------------------|
| | John Reading | } Esq ^r |
| | John Rodman | |
| The Hon ^{ble} | Andrew Johnston | |
| | Thomas Leonard | |
| | Richard Saltar | |
| | Lewis Ashfield | |

The Bill Entituled An Act for Erecting the upper parts of Morris County in New Jersey into a Separate County was read a Second time and Committed to the Members of the House or any three of them.

The House Continued till

Thursday June 7th 1753

The House Met

Present

| | | |
|------------------------|-----------------|--------------------|
| | John Reading | } Esq ^r |
| | John Rodman | |
| | Andrew Johnston | |
| The Hon ^{ble} | Thomas Leonard | |
| | Richard Saltar | |
| | Lewis Ashfield | |

M^r Johnston from the Committee on the Bill Entituled An Act for Levying a fund at different periods &c Reported the same without any Amendments Order'd the same be read a Third time which was read and on Question

Resolv'd that the same do pass

Order'd that the Speaker do Sign the same

Order'd that M^r Leonard do Acquaint the House of Assembly therewith.

M^r Leonard from the Committee on the Bill Entituled An

Act for Erecting the upper parts of Morris County into a Separate County Reported the same without any amendments. Order'd the same be read a Third time, which was read and on Question,

Resolved that the same do pass

Order'd that the Speaker do Sign the same

Order'd that M^r Leonard do Acquaint the House of Assembly therewith

M^r Leonard reported that he had obey'd the Orders of the House.

The House Continued till

Fryday June 8th 1753

The House Met

Present

John Reading

John Rodman

The Hon^{ble} Andrew Johnston Esq^r

Thomas Leonard

Richard Saltar

Lewis Ashfield

M^r Ashfield from The Committees appointed to Inspect the Treasurer's Accounts and to Inspect and Burn the Cancell'd Bills reported the same as follows.

D^r Andrew Johnston Esq^r Treasurer of the Eastern C^t Division of the Province of New Jersey.

P^r Contra

To the following Arrears as they were reported in 1744 & 1747

Middlesex 18 .. 18 .. 5½
Ditto in 1730 25 .. — .. —

43 .. 18 .. 5½

Somerset now paid in 18 .. 3 .. —
To Sundry Arrears in the Interest money as 7 reports in 1744 & 1747

By 2 Difficiencies still outstanding in Middlesex

43 .. 18 .. 5½

By Sundry Difficiencies in The Interest Money still outstanding as by Reports in 1744 & 1747

Bergen 21 .. 4 .. 9½
Essex 72 .. 6 .. 5½
Middlesex 38 .. 12 .. 7½

182 .. 3 .. 10½

Bergen..... 21,, 4,, 9½
Essex..... 72,, 6,, 5½
Middlesex..... 38,, 12,, 7½

132,, 3,, 10½

Balance as a Report in 1747..... 4777,, 17,, —

Balance for Arming and

Cloathing as a Do report..... 945,, 18,, —

Interest Arising from the

£20,000 & £40,000 emissions

in 1748.....

Bergen..... 111,, 12,, 9

Essex..... 186,, 19,, 9

Middlesex..... 156,, 5,, 3

Monmouth..... 235,, 15,, 6

Somerset..... 50,, 7,, 6

741,, —,, 9

1749-Bergen..... 80,, 18,, 6

Essex..... 186,, 19,, —

Middlesex..... 113,, 3,, 6

Monmouth..... 172,, 3,, 10½

Somerset..... 35,, 15,, —

537,, 19,, 10½

On the £10,000

Emission, the

£20,000 being

Expired in 1749

1750-Bergen..... 62,, 8,, —

Essex..... 104,, 12,, —

Middlesex..... 86,, 8,, —

Monmouth..... 181,, 1,, —

Somerset..... 28,, —,, —

413,, 9,, —

1751-Bergen..... 41,, 18,, 6

Essex..... 70,, 11,, 6

Middlesex..... 57,, 13,, 6

Monmouth..... 89,, 13,, 3

Somerset..... 18,, 5,, —

1752 & 1753-

Bergen..... 22,, 8,, 6

Essex..... 39,, 1,, 6

Middlesex..... 29,, 3,, 6

Monmouth..... 52,, 2,, 3

Somerset..... 7,, 5,, —

150,, —,, 9

To Monies pay-

able the 10th of

June 1752 on

the £9000 Tax

from

Bergen..... 395,, 7,, 10½

Essex..... 467,, 2,, 9½

Middlesex..... 543,, 16,, 8½

Monmouth..... 788,, 12,, 1

Somerset..... 669,, 18,, 6½

2864,, 17,, 6

Payable on the

21st of Novem-

ber 1752 in the

£2000 Tax from

Bergen..... 131,, 15,, 11

Essex..... 155,, 14,, 3½

Middlesex..... 181,, 5,, 5

Monmouth..... 282,, 17,, 4½

Somerset..... 223,, 6,, 2

954,, 19,, 1½

£11858,, 8,, 0½

1749 The sum of £8,, 2,, 6

lay in the hands of the

Comms of Middlesex

for want of Borrowers

by which there's a De-

ficiency in the Interest

of..... —,, 8,, 1½

By Sundry Vouchers Ex-

amined allowed and

endorsed by the Com-

mittees Octor 5th 1750

& Octor 4th 1751,

amounting to..... 6837,, 15,, 6

By Sundry Vouchers Ex-

amined allowed and

endorsed by The Com-

mittees May 30th 1753

amounting to..... 3793,, 4,, 2

By two Deficiencies out-

standing of the Interest

of the £40000 Viz.....

Somerset..... 78,, 14,, —

Essex..... 75,, 14,, 5

149,, 8,, 5

By a Deficiency of 20/ 3

Annun for three Years

Viz 1750, 1751 & 1752

Occasioned by a miscal-

culation in the County

of Bergen..... 3,, —,, —

By Balance due to the

Colony..... 898,, 9,, 6½

£11858,, 8,, 0½

By Order of the Committees

LEWIS M. ASHFIELD

AARON LEAMING

D^r John Allen Esq^r late Treasurer of the Western Division of the Colony of New Jersey C^r

Pr Contra

| | | | |
|---|-----------------|---|---------------|
| To Arrears in Burlington as the same was reported in 1747..... | £18,, 18,, 11 | By the Arrears and Deficiencies said to be due from Burlington & Cape May as per the Dr Side. Amounting to... | 32,, —,, 9 |
| To 2 Deficiencies in the Interest of the first £40,000 as reported in 1747 Vizt | | Deficiencies on the Interest of the £20000 & £40000 Emissions in the years 1748, 1749 & 1750 due from the following Counties Vizt | |
| Burlington..... | 18,, 7,, 2½ | Gloucester..... | 18,, 6,, 1 |
| Cape May..... | 4,, 7½ | Salem said to be paid to Mr Smith..... | 111,, 1,, 6 |
| | 18,, 11,, 10 | Cape Mays said to be paid to Mr Smith..... | 22,, 4,, — |
| | 32,, —,, 9 | | 146,, 11,, 1 |
| To the Ballance Reported Anno 1747 to be in said Treasurers hands..... | 2176,, 19,, 8 | By Sundry Warrants & Certificates as Examined and Accounted for in October 1750 Amounting to..... | 8727,, 11,, 6 |
| To money's receiv'd of the Western Commissioners for Arming &c The forces being the Sum reported in their hands at last Settlement..... | 171,, 19,, 6 | By an Allowance of £5,, 14,, 8 being the Interest of £114,, 18,, 10 which lay in the hands of the Burlington loan Officers Anno 1746 for want of Borrowers..... | 5,, 14,, 8 |
| To Interest arising from the £20,000 and £40,000 Emissions and payable in the Years 1748, 1749, & 1750 from the following Counties Vizt | | | |
| from Hunterdon..... | 220,, 5,, — | NB the truth of this Article we recommend to the House further to Consider it not appearing Clear to us | |
| Burlington..... | 388,, 6,, 8 | Ballance due to the Colony | 26,, 14,, 2½ |
| Gloucester..... | 264,, 9,, 4½ | | |
| Salem..... | 454,, 8,, 8 | | |
| Cape May..... | 90,, 9,, — | | |
| | 1417,, 12,, 10½ | | |
| To Money's received of the Western Commissioners for Victualing The forces Reported at last Settlement to be in their hands... | 7,, 1,, 5 | | |
| To Money's received of the Western Commissioners for Arming and Cloathing the forces being the Sum reported to be in their hand..... | 182,, 18,, — | | |
| | 8988,, 12,, 2½ | | |

By Order of the Committees
LEWIS M. ASHFIELD
AARON LEAMING

D^r Samuel Smith Esq^r Treasurer of the Western Division of the Province of New Jersey

P^r Contra

| | | | |
|---|--------------|--|----------------|
| To Arrearages in Burlington County as the same was reported in the years 1744 & 1747..... | 18,, 18,, 11 | By Deficiencies in Burlington and one in Cape May as a Dr Side..... | 32,, —,, 9 |
| To Deficiencies in the Interest of the first £40000 as the same was reported in 1744 &c | | By a deficiency Arising in the Interest from Gloucester County in 1750 that ought to have been paid to Mr Allen..... | 18,, 6,, 1 |
| Burlington..... | 13,, 7,, 2½ | By Cash paid Dr Hall for 2 Pennsylvania Law Books..... | 3,, 13,, 6 |
| Cape May..... | 4,, 7½ | By Sundry Vouchers Examined Allowed and Endorsed by the Committees May 31, 1753 Amounting in the whole to..... | 4468,, 11,, 11 |
| | 13,, 11,, 10 | By Several Deficiencies in the Interest Arising in 1752 & 1753 | |
| To Deficiencies in the Interest in 1750 that ought to have been paid to Mr Allen | 32,, —,, 9 | Cape May... 1,, —,, — | |
| Vis | | Burlington, 2,, 7,, 6 | |
| Hunterdon..... | 0,, 5,, 6 | Gloucester.. —,, 8,, 9 | |
| Gloucester..... | 13,, 6,, 1 | Salem..... 3,, 0,, 6 | |
| Salem..... | 111,, 1,, — | | |
| Cape May..... | 22,, 4,, — | | |
| | 146,, 16,, 7 | | |
| To Interest Arising from the £40000 Emission | | By a Deficiency in Hunterdon in the £6000 Tax June 10th 1752. £6,, —,, — | |
| Burlington..... | 64,, 2,, 6 | Do in Burlington in the £2000 Tax Novr 21, 1752..... | 2,, 12,, 4 |
| Gloucester..... | 43,, 6,, 3 | | 8,, 12,, 4 |
| 1751 { Salem..... | 75,, 1,, 6 | | |
| Cape May..... | 14,, 8,, — | | |
| Burlington ¹ | 35,, 10,, — | | |
| | 232,, 8,, 3 | | |
| 1752 { Burlington..... | 35,, 12,, 6 | | |
| Gloucester..... | 22,, 6,, 3 | | |
| & Salem..... | 42,, 1,, 6 | | |
| 1753 { Cape May..... | 5,, 8,, — | | |
| Hunterdon..... | 15,, 10,, — | | |
| | 120,, 18,, 3 | | |
| To Cash of Mr. Clayton being one Molety of the forfeiture of a Pedlar..... | 1,, 10,, — | | |
| By Law for Support of Government there is made payable from the following counties in the £6000 Tax on June 10th 1752 | | | |
| ¹ Hunterdon? | | | |

| | | |
|----------------------------------|-----------------|-----------------|
| from Burlington.....750,, 2,, 8½ | By Ballance due | |
| Gloucester.....469,, 1,, 7½ | from the Exec- | |
| Salem.....419,, 2,, 6½ | utors of Treas- | |
| Cape May.....180,, 5,, — | urer Allen as | |
| Hunterdon.....850,, 13,, 1½ | Report of this | |
| Morris.....383,, 7,, 7½ | Session | 26,, 14,, 2½ |
| Cumberland.....212,, 10,, 2½ | By Ballance due | |
| | to the Colony.. | 180,, 10,, 8½ |
| | | |
| 8135,, 2,, 4½ | | |
| Burlington.....250,, —,, 9 | | |
| Gloucester.....156,, 7,, 2½ | | |
| Salem.....189,, 14,, 2 | | |
| Cape May.....33,, 8,, 5½ | | |
| Hunterdon.....283,, 11,, ½ | | |
| Morris.....111,, 2,, 6½ | | |
| Cumberland.....70,, 16,, 9 | | |
| | | |
| 1045,, —,, 10½ | | |
| To Ballance due from | | |
| the Executors of | | |
| Treasurer Allen as | | |
| Report of this Ses- | | |
| sion..... | | |
| | | |
| 26,, 14,, 2½ | | |
| £4740,, 11,, 3½ | | £4740,, 11,, 3½ |

By Order of the Committees

LEWIS M: ASHFIELD
AARON LEAMING

And The said Committees being also Orderd to Inspect and Burn the Cancelld Bills of Credit do further Report that there ought to have been sunk on the 20,000 & £40,000 Emissions in 1748, 1749, 1750, 1751, 1752 & 1753 the following sums in the following Counties Viz

| | | |
|---|---------------|---------------|
| Burlington.....on the 20000—308,, 15,, — for 2 yrs..... | 617,, 10,, — | |
| Ditto.....on the 40000—617,, 10,, — for 6 yrs..... | 3705,, —,, — | |
| | | 4322,, 10,, 0 |
| Gloucester.....on the 20000—214,, 7,, 6 for 2 yrs..... | 428,, 15,, — | |
| on the 40000—428,, 15,, — for 6 yrs..... | 2572,, 10,, — | |
| | | 8001,, 5,, — |
| Salem.....on the 20000—380,, 5,, — for 2 yrs..... | 720,, —,, — | |
| on the 40000—720,, 10,, — for 6 yrs..... | 4323,, 0,, 0 | |
| a Deficiency as Report in 1747..... | 1081,, 6,, 6 | |
| | | 6124,, 16,, 6 |
| Cape May.....on the 20000—78,, —,, — for 2 yrs..... | 156,, —,, — | |
| on the 40000—156,, —,, — for 6 yrs..... | 936,, —,, — | |
| | | 1092,, —,, — |
| Hunterdon.....on the 20000—185,, —,, — for 2 yrs..... | 370,, —,, — | |
| on the 40000—370,, —,, — for 6 yrs..... | 2220,, —,, — | |
| a Deficiency reported in 1747..... | 2,, 7,, — | |
| | | 2592,, 7,, 0 |

And The Committees do further Report that M^r Allen Widow of the late Treasurer Allen and Samuel Smith Esq^r the Present Western Treasurer laid before the said Committees The Several Sums following which were Cancell'd in the Western Counties and which said sums the said Committees destroy'd by Burning

| | | |
|--|---------------|---------------|
| Burlington...by Mrs Allen's Bundle Containing..... | 926,, 5,, — | |
| Dittoby Mr Smith—3 Bundles Con..... | 2047,, 7,, — | 2973,, 12,, — |
| Gloucester...by Mrs Allen—5 Bundles..... | 1514,, 19,, 9 | |
| Dittoby Mr Smith 2 Bundles..... | 857,, 10,, — | 2372,, 9,, 9 |
| Salem.....by Mrs Allen 3 Bundles..... | 2161,, 19,, — | |
| Dittoby Mr Smith 6 Bundles..... | 2591,, —,, 6 | 4752,, 19,, 6 |
| Cape May.....by Mrs Allen 8 Bundles..... | 624,, —,, — | |
| Dittoby Mr Smith—2 Bundles..... | 312,, —,, — | 936,, —,, — |
| Hunterdon...by Mrs Allen 8 Bundles..... | 546,, 11,, 6 | |
| Dittoby Mr Smith 10 Bundles..... | 1900,, 17,, 6 | 2447,, 9,, — |

By which it appears that in the aforesaid Six years

| | |
|--|----------------|
| Burlington—ought to have Cancell'd..... | 4322,, 10,, — |
| They have Cancell'd..... | 2973,, 12,, — |
| Burlington have not Cancell'd their Quotas by..... | £1388,, 18,, 0 |

But it appears from the said Treasurers Accounts that he has received of Robert Smith Esq^r one of the Commissioners in Bills of Credit not Cancelled

| | |
|---------------------------|--------------|
| one sum of..... | 20,, —,, 6 |
| and another Ditto of..... | 93,, 17,, 6 |
| | 113,, 18,, — |

Which the Committees are of Opinion ought to be allowed when the Same is Cancelled according to Law. By which it appears that the whole Deficiency of Payment in Burlington is

| | |
|-----------------|--------------|
| the sum of..... | 1235,, —,, — |
|-----------------|--------------|

being the Sums that ought to have been sunk in 1752 & 1753

| | |
|---|---------------|
| Gloucester.....ought to have Cancelled..... | 3001,, 5,, — |
| They have Cancell'd | 2372,, 9,, 9 |
| So that Gloucester is deficient the sum of..... | 628,, 15,, 3 |
| Salem.....ought to have Cancell'd..... | 6124,, 16,, 6 |
| They have Cancelled..... | 4752,, 19,, 6 |
| So that Salem is Deficient the Sum of..... | 1371,, 17,, — |

| | | |
|---|--------------|-------------|
| Cape May.....ought to have Cancelled..... | 1092,, —,, — | |
| They have Cancelled..... | 986,, —,, — | |
| So that Cape May is deficient their Quota for 1753 being... | | 156,, —,, — |
| Hunterdon ...ought to have Cancelled..... | 2592,, 7,, — | |
| They have Cancell'd..... | 2447,, 9,, — | |
| So that these Committees think Hunterdon | | |
| is deficient..... | 144,, 18,, — | |

But the Hon^{ble} John Reading Esq^r being a Commissioner of the said County declar'd that it is his Opinion that there is a Mistake in this Calculation but as his Vouchers are not here he desires leave to make the Same appear next Session.

And these Committees do further Report, it is their Opinion that if the above mentioned Old Deficiencies outstanding in the Counties of Middlesex Bergen Essex Burlington & Cape May are not fully discharged by the next Meeting of General Assembly it will be Advisable, that Prosecutions be immediately Carried on against the Delinquents, Or, that some Law be provided for raising the General Sums on the respective Counties so Deficient

Burlington

June 8th 1753

By Order of the Committees

LEWIS M: ASHFIELD

AARON LEAMING

His Excellency came into Council and having by the Deputy Clerk of the Council commanded the Attendance of the House of Assembly They Attended when His Excellency was pleased to give His assent to the following Bills Viz^t

1 An Act for the Support of Government of His Majesty's Colony of New Jersey to Commence the 21st day of November 1752 and to end the 21st day of May 1754 and to discharge the Publick debts and the Arrearages and Contingent charges thereof and for Setling of the Quotas and Respective Counties and Levying of a Provincial Tax,

2^d An Act for Levying a Fund at different periods by Provincial Taxes for sinking the Sum of Fifteen thousand three hundred and two pounds and four pence now outstanding in Bills of Credit made Current for His Majesty's Service in the Late Warr.

3^d An Act for further Continuing An Act Entitled An Act for better Settling and Regulating the Militia of this Colony of New Jersey for the Repelling Invasions and Suppressing Insurrections and Rebellions pass'd in the Nineteenth year of This present Majesty's Reign.

4th An Act to repeal and explain part of an Act Entitled a Supplementary Act to the Act Entitled An Act to prevent the Killing of Deer out of Season and against Carrying Guns and Hunting by Persons not Qualified.

5 An Act for Choosing Overseers of the Highways.

6 An Act for the further Revival and Continuing of An Act Entitled An Act for the Relief of poor distress'd Prisoners for debt.

7 An Act for Continuing An Act Entitled An Act to prevent Actions of fifteen pounds and under being brought into the Supreme Court of this Colony

8 An Act to repeal An Act for the better Repairing and amending The Publick Highways, Roads, Streets, Wharf and Bridges within The Town of Burlington

9 An Act for Erecting the upper parts of Morris County in New Jersey into a Separate County to be called the County of Sussex and for building a Court house and Goal in each of the said Counties,

10 An Act Entitled a Supplementary Act to the Act Entitled An Act to enable The Owners of the Meadows and Marshes belonging to the Town of Salem to keep out the Tide from over flowing the same

11 An Act to Enable the Owners of the Meadows and Marshes adjoining to and on both sides of Manington Creek to stop out the Tide from overflowing the same

Then His Excellency was pleas'd to make the following Speech

Gentlemen of the General Assembly

Upon what You have said to me in your Address brought me The 5th Instant I think proper to observe to you, that upon a Carefull Examination, you will find your Constitu-

tion is wholly built upon the wise foundation of His Majesty's Royal Commission, and His Collaterall Orders to His Governors and while I am Acting with Duty and Obedience to those I am sure of my Royal Masters Approbation, nor can I doubt but that I shall have your Reasonable Plaudit also, in so Conducting my Administration, and while I say, I have thus done as to the following Articles.

"Of my calling You the last winter to Elizabeth Town
"My laying before you His Majesty's Instructions about a
"Revisal of your Laws and My Pressing upon you the
"making some more Effectual Law for Strengthening and
"Guarding the Kings Goals and for the Suppressing any
"Riots or Tumults in this province for the future

I hope it will be a Satisfactory Answer to you, relating to what you have said to me on those heads; and time must Discover who will have had the most Tender and Paternal Regard to this people, by endeavouring to set them in the most favourable Light to His Majesty and thereby to Procure the best establishment of the Government and the future well being and happiness of the people which have been my greatest Care and Solitude from my first Arrival among you

I am glad to See you have gone thro' the Public Affairs of the province with so much Diligence and Dispatch, and that so good an Agreement has Subsisted between His Majesty's Council and your House, in passing The Several Bills that have been laid before me and to which I have given my Assent

And now I wish you well to your Several Places of Abode and much Prosperity in your Domestick Affairs; and I hope you will in your Different Stations, be promoting peace and good Order in The Province to the utmost of your power,

J. BELCHER

Burlington June 8th 1753.

After which he Prorogued the General Assembly till the 10th day of July next, then to meet at Perth Amboy.

Compared with the Original Minutes of the Council of the
Province of New Jersey of which this is a true Copy

CHA READ D Secr^r

At a Council held at Burlington on Thursday the Seventh
day of June 1753

Present

His Excellency Jonathan Belcher Esq^r Governor

| | | |
|------------------------|-----------------|--------------------|
| | John Reading | } Esq ^r |
| | John Rodman | |
| The Hon ^{ble} | Andrew Johnston | |
| | Thomas Leonard | |
| | Richard Saltar | |
| | Lewis Ashfield | |

His Excellency laid before the Board a patent for Incorporating the Dutch Reformed Churches of Rariton, Ten Mile, Run, and Millstone which was read and the Council Advised His Excellency to Grant the Same

The Governor also laid before the Board a patent to M^{rs} Ann Pidgeon for a ferry over the River Delaware at a Certain place or Creeks Mouth falling into the said River Delaware called and known by the Indian Name Nethasackaway¹ being in the Lands and Plantation of her the said Ann Pidgeon Scituate in Kingwood in the County of Hunterdon and so along the Shore half a Mile above and half a Mile below The said Creeks Mouth to which The Council Assented

The Governor also laid before the Board a Patent for the Incorporation of the first Presbiterean Church at Newark which was read and Agreed to

His Excellency Nominated Robert Smith Esq^r as a Judge of the County of Burlington

Also Nominated Joseph Noble Robert Lettice Hooper, John Abbot, Abram Huelings & Joshua Bisphan to be Justices of the County of Burlington M^r Hooper and Joseph Noble to be Justices of the Quorum

¹ Nischisakawick.

William Forster Esq^r to be Added to the Quorum in Burlington County.

John Brick to be a Judge in Cumberland

John Little a Justice in Monmouth

Michael Fisher to be a Judge in Gloucester

Robert Lane of the Quorum in Gloucester

Joseph Applyn a Justice in Gloucester

Caleb Crane to be a Justice in Essex.

His Excellency Nominated the following Persons to be Judges and Justices in Cape May

Henry Young Esq^r William Smith, Nathaniel Forster, John Willits and Richard Stillwill Judges & of the Quorum.

Ebenezer Swain, Thomas Leaming, James Whillden, John Townsend Daniel Norton, Richard Smith, Jeremiah Leaming, Jeremiah Hand Sr & Elijah Hughes Justices.

Joseph Morrow to be a Justice in Middlesex to all which the Council agreed.

His Excellency spoke to the Council as follows

Gentlemen of His Majesty's Council

You are Sensible that two of the most Notorious Ring-leaders, of the late Riots in this Province have been Apprehended and Committed to Goal, from thence they have been Admitted to Bail.

As in Duty to His Majesty's Royal Orders I am Obligated to take your Advice in such things that may tend to the peace and welfare of the People of this province, I now ask of you whether an Order should not immediately Issue to the Judges of the Supream Court of the Province, and to His Majesty's Attorney General, for a Speedy Prosecution of the Criminals above mentioned for in this Matter I Shall wholly Govern myself by your Advice

J. BELCHER

Burlington June 7th 1753

At a Council held at Burlington in His Majesty's Province of New Jersey on Fryday the Eighth day of June 1753

Present

His Excellency Jonathan Belcher Esq^r Governor

| | | | |
|------------------------|-----------------|---|------------------|
| | John Reading | } | Esq ^r |
| | John Rodman | | |
| The Hon ^{ble} | Andrew Johnston | | |
| | Thomas Leonard | | |
| | Richard Saltar | | |
| | Lewis Ashfield | | |

The Council gave the following Answer to His Excellency's Speech of Yesterday.

May it Please your Excellency

We His Majesty's Council in Answer to your Excellencys Speech of Yesterday, beg leave to Observe That as there is not at Present so full a Council in Town as we could wish, and as the next Quarterly Meeting of the Council is near at hand and will be held in The Eastern Division of the Province where the Riots were Cheifly Committed, We therefore think it most Convenient to postpone Our final Answer to your Excellency's Speech untill that time That We may thereby be enabled to make Proper Inquiry and furnish Our Selves with Reasons to Support Our Advice and more especially as the peace and Welfare of the Province may much depend thereon

By Order of the House

JOHN READING

Burlington June 8th 1753

His Excellency by Advice of Council Sign'd the following Warrants

N^o 227 To himself or Order for a Quarters

Salary due the 21st of February

1753..... 250 „ — „ —

| | | | |
|-----|--|-----|----------|
| 228 | To himself or Order for a Quarters Salary due the 21 st of May 1753... | 250 | „ — „ — |
| 229 | To himself or Order for a Quarters House Rent due the 21 st of February 1753..... | 15 | „ — „ — |
| 230 | To himself or Order for a Quarters House Rent due the 21 st of May 1753..... | 15 | „ — „ — |
| 231 | To Samuel Nevill Esq ^r or Order for half a years Salary as Second Judge of the Supream Court due the 21 st of May 1753..... | 12 | „ 10 „ — |
| 232 | To Charles Read Esq ^r or Order for half a years Salary as third Judge of the Supream Court due the 21 st May 1753..... | 12 | „ 10 „ — |
| 233 | To Joseph Warrell Esq ^r or Order for half a years Salary as Attorney General of this Province due the 21 st May 1753..... | 15 | „ — „ — |
| 234 | To Samuel Smith Esq ^r or Order for half a Years Salary as one of the Treasurers of this Province due the 21 st May 1753..... | 20 | „ — „ — |
| 235 | To Andrew Johnston Esq ^r or Order for half a Years Salary as one of the Treasurers of this Province due The 21 st May 1753..... | 20 | „ — „ — |
| 236 | To Charles Read Esq ^r or Order for half a Years Salary as Clerk of the Council of this Province due the 21 st May 1753..... | 15 | „ — „ — |
| 237 | To John Smith Esq ^r or Order for half a years Salary as Clerk of the Cir- cuits of this Province due The 21 st May 1753..... | 10 | „ — „ — |

238 To Anthony Elton or Order for half
a years Salary as Door Keeper of
the Council due the 21 May 1753.. 5 „ — „ —

Compared with the Original Minutes of the Council of
the Province of New Jersey of which this is a true Copy
CHA READ D Secr

At a Council held at Elizabeth Town in New Jersey on
Thursday the 7th day of February 1754.

Present

His Excellency Jonathan Belcher Esq^r Governour &c.

| | |
|--------------------------------|--------------------|
| The Honourable James Alexander | } Esq ^r |
| Andrew Johnston | |
| Peter Kemble | |
| David Ogden | |

His Excellency made a Speech to the Council and is as
follows

Gentlemen of the Council.

Although one of our stated Quarterly Meetings is near at
hand, and that I have directed the Secretary to give season-
able Notice, to Every Member of the Council, not to fail of
meeting me, at that Time (21st Instant) in Order to Lay
many Affairs before them, for his Majesty's Honour, and
Service, and for the Welfare of this Province; Yet as I have
Lately rec^d divers accounts of a most Notorious Riot, Com-
mitted the Beginning of the Last Month in the County of
Hunterdon, I have thought it Necessary to see You at this
Time, and have order'd the Secretary to Lay before You, The
several Papers I have received in this matter which being re'd,
and maturely Considered by you I shall be glad of Your
Advice, to know what may be most proper & necessary for
the Governour, and Council to Do, in this Difficult Con-
juncture, in the better Support of his Majesty's Authority,

and for preserving the peace of the Province: For if such Notorious Offenders are past by, by the Supreme Government of the Province. Unnoticed it must Soon Introduce Anarchy, with all its Fatal Consequences.

Elizabeth Town

J BELCHER

February 7th 1754

After which his Excellency Laid before the Board a Number of Letters Affidavits &c. relating to a Riot Lately Committed in the County of Hunterdon and which Being Considerd by them they advise that the said affidavits be Laid before y^e attorney General by the Secretary and that a Proclamation do issue which is agreed to and is as follows.

By his Excellency, Jonathan Belcher, Esq^r Captain General Governour and Commander in Chief, in and Over his Majesty's Province of Nova Casaria or New Jersey, and Territories thereon depending in America Chancellor, And Vice Admiral in the same, &c.

A Proclamation.

Whereas it has appeared this Day to me, and the Council of This Province, That on the Eighth Day of January last a most Notorious Riot was Committed on the Tract of Land called the Society in the County of Hunterdon near the Iron Works called Union belonging to Messieurs Allen and Turner, of Philadelphia, I have therefore thought fit, by and with the Advice of his Majesty's Council of this Province, to Issue this Proclamation, thereby strictly Commanding all the Magistrates of the said County of Hunterdon diligently to Enquire and Discover the Persons Guilty of the said Riot and bring them to Condign Punishment, by due Course of Law; and all Officers, Magisterial and Ministerial, in the said County of Hunterdon are hereby strictly Charged and Commanded in their several Stations to be diligent in preventing and Suppressing any Riots in the said County of

Hunterdon for the future ; And all his Majesty's Subjects of the said County are hereby strictly Charged and commanded to be aiding and assisting to the said Officers in the Execution of their Duty.

Given under my Hand and Seal at Arms, at Elizabeth Town, the Seventh day of February in the Twenty Seventh Year of the Reign of our Sovereign Lord George the Second by the Grace of God of Great Britain, France and Ireland, King Defender of the Faith &c And in the Year of our Lord One Thousand seven hundred and Fifty Four

J. BELCHER

By his Excellency's Command

CHARLES READ Secr^y

God save the King

The Governour also Communicated to the Council a Letter, he rec^d from the Hono^{ble} James Alexander Esq^r dated February 2^d 1754 in the Following Words

May it Please Your Excellency

As by my Letter of December 14th Last, I acquainted Your Excellency with my having delivered Your Letter, and Two Copys of the Memorial of the Council of Proprietors, I think it my Duty now to give Your Excellency, The best Information I can Concerning the Proceedings in that matter Since I was inform'd by Letter from Richard Gardner, (Agent for the Council of Proprietors Concerning their Lands which lye on the line of Jersey, and York abreast of the Minisink and Wawayanda Patents) Dated the third day of January Last, that on the 13th day of December Last, the Sheriff of Orange, with his under Sheriff, Colonell Dekey and others to the Number of 24 Come far into Jersey, and took Vanatta & Westbrook Two Tenants of the Proprietors for refusing to serve as Constables as in New York Provence, and Committed them for a night, and Then Proposed to take Bail of them if they wou'd Pay Charges, which they refused to pay, and told them they were ready to go to Goal But at Length the

Sheriff agreed to take Bail without Charges, and accordingly they gave Bail in £600 to appear at next Tappan Court.

I am Informed further by said Letter and an Affidavit of Ben : Forgesin that one Westbrook a Constable in New Jersey was apprehended for doing his duty There, and brought before Jacobus Swartwoot a New York Justice Living at Minisink who Threatned Westbrook so much with a Prison &c. That Westbrook thro Terror Submitted and Compounded with Justice Swartwoot for Forty odd Shillings for fine and Charges and that this Composition was on the 24th of December Last, that Ben : Forgeson having Business that Brought him to that Place (which is several Miles within New Jersey) after the Composition, the said Westbrook Called the said Forgeson aside about 15 rods distance from the house where the said Swartwoot was, and there told the said Fergeson how he had been apprehended and for what and how he had Compounded with the said Justice to save himself from Prison, and desired the Opinion of the said Forgeson on the whole who told him he thought he had done wrong to Submit To Such proceedings, as he knew the Council of Proprietors would have defended him as they had done Bosset and for his Part he told him he woud rather have chose to go to Goal

Justice Swartwoot having Observed Forgeson Speaking to Westbrook at the said Distance, Called To Forgeson and asked him what he had been Talking to Westbrook, But Forgeson declined acquainting him, But M^r Swartwoot Insisting so Strongly that he shou'd acquaint him, he at Last told him the Truth whereon Justice Swartwoot Swore that he Forgeson shou'd go to Goal in Westbrook's place.

And Accordingly on the next day Being the 25th of December, Carried him to Goal at Goshen, and Committed him, the Badness of the weather at that Time was such that the Express sent To me Concerning this matter came not till the 10th of January, whereon I immediately got a Habeas Corpus to bring him before the Supream Court to be discharged or Bailed, and on the 17th the Goaler Brought him

here, and on the 19th after Argument in the Court he was Bailed

On the 31st of January I heard that news had been brought Hither to the Lientenant Governour the night before that the Sheriff of Orange Dekey and Several Others Justices of Orange and about 50 People had been round the drowned Land the head of which is 15 Miles in Jersey, and apprehending M^r Gardner and about 7 or 8 more Jersey People and Committed them to Goal at Goshen whereon Believing that Herring and Dicker were some of the 7 or 8 I Immediately had Habeas Corpus's made out for Gardner Herring and Decker returnable immediately before Judge Horsemanden at his Chamber in New York to have them discharged or Bailed, and hired an Express who went away the Next Morning with the Habeas Corpus's

On February 1st in the Evening M^r McKeven M^r Scott and M^r Alsop, Attorney's for the Patents of Minisink & Wawayanda came to me declaring it was to find some way to put an End To those Riots and disorders and told me another Express was come to acquaint them, that on Sunday last above fifty Jersey People had attacked and taken Justice Swartwoot and Justice Westbrook, and had greatly beat and abused Justice Swartwoot and Carried those Two Justices down below Pechaqualong before Justice Van Camp. I told them that I was Sorry that any Bodily hurt was done to Justice Swartwoot But I doubted not But those Jersey People had good Warrant For apprehending them, and must Beleive that the hurt to M^r Swartwoot arose from resistance, I told them further if they had no Warrants Yet it was not so bad as what Dekeys had done to Herring and Gardner who not only grievously Beat them But robbed them, and that it did not Seem they were Charged with Robbery as Dekeys were whereon they told me they had Robbed Jacobus Swartwoot of his Sword, I told them that, that accounted Something for the Beating, which I supposed [was] to defend themselves against his Sword, and by that means disarmed him, as they would have been great fools if they did not

I told them I as Sincerely as they abhorred such Proceedings, that it appeared by the Memorial that New Jersey has been for these 13 Years on the Passive and defensive side against the Continued Oppressions of New York and done no One Offensive Act Till what they now acquaint me with and which I heard Nothing of before, that it was but their Resolving to discontinue Those Oppressions and I doubted not Peace would be Immediately restored. After much Other discourse We Came at Last Verbally to agree, to the Substance of the Letters whereof Copies are inclosed they to send to their Agent one Letter and I to Send to Richard Gardner another to the same Purpose they to give me a Copy of their Letters that I may inclose it to Richard Gardner and I to gave them a Copy of my Letters to inclose it To their Agents.

The Express I sent with the three Habeas Corpus's is not Yet returned nor have I heard one word from M^r Gardner, or any other of Jersey Concerning those Late Proceedings

According to the agreement in the Evening of February 1st M^r Mackwers¹ Came about noon of the Second and Showed me the Letter they had wrote whereof Copy is Inclosed and I told him I shoud write one to the same Purpose To Richard Gardner & Exchange Copies as agreed whereupon my Clerk made Copy of their Letter, and he telling me that the Last Express that had Come, waited only for these Letters I told him I shou'd send him mine to go by him by Two o'Clock whereon I immediately altered a Copy of theirs for my Letter To Richard Gardner, a Copy of which with those alterations is Inclosed and I sent mine accordingly at 2 o'Clock to M^r Scott

Your Excellency's Strong Letter to Lieu^t Gov^r Delancey, the publishing the Memorials here, and their Seeing the Council of Proprietors determined to Perform their Engagements of March Last set forth in the 38th article of the Memorial, have I believe Induced People here to open their Ears a Little to the Continued Cries and Complaints of New Jerssy for 13 Years past against the Oppressions of New York, and

¹ McEvers.

possibly (what they call) the Riot on Sunday Last may have
a Little Contributed to that Effect

I am

May it Please Your Excellency
New York Your Excellency's
February 2^d 1754 most Obedient &
most Humble Servant
JAMES ALEXANDER

New York February 2^d 1754

To Vincent Matthews and Joseph
Sacket Esq^r in Orange County

Gent.

We are Sorry to hear of the daily Riots Committed, in
Your Parts, and hope our People are in no wise Chargeable
as the Cause of them. We Entreat You to Perswade them
to Commit No Trespasses, or Offensive Acts of Violence on
the Persons or Possessions of the People holding under New
Jersey, To leave them Entirely at Peace and We further
desire You, Barely to do what is Necessary, in Order to Secure
and defend Yourself and Your Possessions, and no more
which directions we hope will be punctually Observed until
further advice from

Your humble Servants

JOHN McEVERS
JN^o MORIN SCOTT.
JN^o ALSOP

M^r Alexander sends the Like advice to Richard Gardner
For the Jersey People of which Inclosed is a Copy and we
have given a Copy of this For M^r Alexander to send to
Richard Gardner and we hope an Amicable Agreement may
be Entred into Concerning these Affairs

M^r Richard Gardner New York Feb^r 2^d 1754

S^r

I am Sorry to hear of the daily Riots Committed in Your
Parts and hope our people are in no wise Chargeable as the

Cause of them. I Entreat You to Persuade them to Commit no Trespasses or Offensive acts of Violence on the Persons or Possessions of the People holding under New York But to Leave them Entirely at Peace. And I further Desire You barely to do what is Necessary in Order to Secure and defend Your Selves and Your possessions and no more, which Advice I hope will be punctually Observed, till further Orders from the Council of Proprietors of East Jersey

I am

Your Humble Servant

JA ALEXANDER

Mess^{rs} M^rEvers Scott & Alsop send the like advice To Coll Matthews and Joseph Sacket for the York people of which Inclos'd is a Copy and I have given a Copy of this for Mess^{rs} M^rEvers &c, to Send to Matthew's & Sacket, and we hope an Amicable agreement may be Entred into Concerning these Affairs

M^r Alexander acquainted his Exell^y and this Board that on Monday last M^r M^rEvers and M^r Scott two of the Signers of the preceding Letter on the part of New York appeared before a Committee of the Council of New York and acknowledged they had with M^r Alsop sign'd that Letter upon the Recommendation of the Committee and he the said Alexander then also acknowledged that he had signed the preceding Letter on the Part of New Jersey And the said M^rEvers and Scott then also in Presence of the s^d Committee delivered to the s^d Alexander a Paper of Proposals on the Part of New York to be Answer'd by the Proprietors of East New Jersey concerning the Disputes about the Line between New York and New Jersey and the said Alexander and Samuel Nevill Esq^r empower'd by the Proprietors of East New Jersey as appears by the Letter of April 10: 1746 in their Memorial do in presence of this Board acknowledge the Receipt of the s^d Proposals and promise to deliver an Answer thereto with what speed is in their Power.

And the s^d Alexander and Nevill empowered as above do

acknowledge before this Board their Approbation of the preceeding Letter by M^r Alexander with an Addition thereto in the words following.

We James Alexander and Samuel Nevill Impowered by the Council of Proprietors of East Jersey as appears by the Letter of April 10th 1746 Printed in Pages 25 &c, of the said Proprietors Memorial have approved of the Preceeding Letter and do order & direct as therein is desired and Advised.

And it being Conceived that the preceeding Letter & one of Like Tenor In behalf of New York thro' the shortness of the Time that was had to agree and to prepare them are defective of Sundry things that we Think may be added for the Better Obtaining the True Ends thereof

We do therefore agree if the Like be agreed to on the Part of New York

1st That in Case any Person in Behalf of New York shall do any thing that may be deemed or Supposed a Breach of said directions that then if within Thirty days after notice thereof to the Persons Concerned for New York or one of them reasonable Satisfaction be tendered or made for all Damage done by the said Breach it Shall not be in the Power of New Jersey to assign that deemed or Supposed Breach as a Breach Sufficient to discharge New Jersey from being bound by the said directions.

2nd If the Like be agreed to on the Part of New York We do agree that It Shall not be in the Power of those Concerned for New Jersey to Countermand the preceeding Orders until Three months notice In writing of such Intention to those Concerned for New York or one of them with the Reasons that Induce them to give such Counter Orders This second Case We Understand is to Take Place when there is no Breach or where a Breach and Satisfaction is made for it¹

February 7th 1754.

JA ALEXANDER

SAMUEL NEVILL

¹ For accounts of the troubles arising from the dispute concerning the partition line between New York and New Jersey, see N. J. Archives, VIII., Part I., 200-299.

Which Proposed Agreement and steps taken Towards it His Excellency & this Board approve and re Commend the further Proceeding in that Amicable manner until a final Settlement of the Bounds between New York and This province

The Governour appointed with the Consent of the Council Abraham Vanaken & Anthony Vanatta Justices of the Peace for Sussex County.

At a Council held at Elizabeth Town in the Province of New Jersey on the Twenty first day of February 1754.

Present

His Excellency Jonathan Belcher Esq^r Governour

| | |
|--|--------------------|
| The Hon ^{ble} James Alexander | } Esq ^r |
| Edward Antill | |
| Andrew Johnston | |
| Peter Kemble | |
| Richard Saltar | |
| David Ogden | |
| Lewis M : Ashfield | |

His Excellency made a Speech to the Council as follows

Gentlemen of the Council

I have Lately rec^d the following Letters

One from the Right Hon^{ble} Lords Commissioners for Trade & Plantations Dated White Hall September y^e 18th 1753

And one from M^r Dinwiddie Lieutenant Governour of Virginia Dated Williamsburgh Virginia Jan^y 29th 1754

Which Letters I now Lay before you Containing Things that greatly respect his Majesty's Honour & Interest as well as the safety and Wellfare of this Province & that of many other the Colony's on this Continent Under the British Dominion and these things I desire you to Consider in the most Deliberate and Best manner ; and then to give me Your

Advice as to what Steps may be Proper and Necessary for
this Government to take on such an Extraordinary Occasion
Elizabeth Town J BELCHER
February 21st 1754.

And Laid before y^e the Letters therein Mentioned Viz^t a
Letter from the R^t Hon^{ble} Lords Commissioners for Trade &
Plantations

Whitehall Septem^r 18th 1753

S^r

His Majesty having been Pleas'd to order a Sum of Money
to be issu'd for the Presents to the Six Nations of Indians
and to direct his Governour of New York to hold an Inter-
view with them, for delivering these Presents, for burying
the Hatchet and for renewing the Covenant Chain with them
We think it our Duty to acquaint You therewith, And as we
find it has been usual upon former Occasions, when an Inter-
view has been held with these Indians, For all his Majesty's
Colonies whose Interest & Security is Connected with &
Depends upon them, To Join in Such Interview and as the
Present Disposition of these Indians and the Attempts which
have been made to withdraw them from the British Interest
appear to us to make such a General Interview more Par-
ticularly Necessary at this Time, We desire You will Lay
this matter before the Council and General Assembly of the
Province under Your Government & recommend to them
forthwith to make a Proper Provision for appointing Com-
missioners to be Join'd with those of the other Governments
for renewing the Covenant Chain, with the Six Nations &
for making such Presents to them as have been usual upon
the Like Occasions and We desire that in the Choice & Nom-
ination of the Commissioners You will take Care that they
are men of Character Ability & Integrity & well acquainted
with the Indian Affairs

As to the Time & Place of Meeting it is Left to the Gov-

ernor of New York to fix it and he has orders to Give You Early Notice of it.

We are

S^r

Your Loving Friends & humble Serv^{ts}

Jonathan Belcher, Esq^r }
Gov^r of New Jersey }

DUNK HALIFAX
J: GRENVILLE
DUPPLIN

Also a Letter from the Hon^{ble} Robert Dinwiddie Esq^r
Lieutenant Governor of Virginia

S^r

Williamsburg Virg^a 29th Jan^y 1754.

The unwarrantable Proceedings of the French in seizing the Persons & Effects of his Majesty's Subjects who were settled on the Ohio, & Claiming a right to the Possession of that Country as Your Excellency will perceive by the Copy which I have Inclos'd of the French Commandants Letter to me by Major Washington, a Gentlemen I sent out to the French on this Occasion, render it of such Immediate Consequence to the Honour & Dignity of his Majesty's Crown, & the Preservation of all his Dominions on this Continent that I find myself Oblig'd to apply to Your Excellency for all the Assistance You Can give and as I hope to be soon Enabled by the approaching Assembly to raise what Forces I can here, I Purpose to have a Body Collected on Will's Creek on the head of Potownmack very early in March and there I Shou'd be glad if they might be Joined by the Men that You will Cause to be rais'd for this Service along with Those I Expect from Pensylvania I have Chosen this Place as more Generally Convenient to all the Colonies and nearest To the Scene of Action

The French have Fortified themselves on Lake Erie & on a Branch of the Ohio, and have Two Hundred Canoes ready made and many more Block'd out, & Every Thing in readiness to Execute their Design of falling down the River when

the waters Serve in the Spring and Building forts at Every Place of Consequence

They have Eight Pieces of Cannon Six Pounders Mounted at the Fort of Ohio & have actually Caused the Chippaways, Ottaways & Orundnacks to take up the Hatchet against the English

I think it so necessary to the Success of the Service that the Command shou'd be Undivided, That it wou'd be a pleasure to me to find Your Excellency in my Sentiments and that You were willing to Entrust with my General Officer the Command of the Forces You Send

It Certainly is of the Last Consequence to be as Expeditious as Possible, Especially as the French design to be at Ohio, Early in the Spring with a more Considerable Number than they had there in the fall which then amounted To one Thousand Five Hundred

I remain with great Respect

Your Excell^{ty}

most Humble Servant

ROBERT DINWIDDIE

Also a Copy of a Letter sent by the Commandant of the French Forces on the Ohio to the Governor of Virginia. Translated Thus

S^r

As I have the Honour to Command in Chief M^r Washington Delivered the Letter to me you wrote to the Commander of the French Troops. I shou'd have been Pleas'd You had given him Orders or he had inclin'd To have gone to Canada to have Seen the General to whom it Belongs more Properly than to me to declare the Evidence and reality of the Rights of the King my Master over the Lands situated along the Belleriviere and to dispute the Pretensions of the King of G. Britain Upon that Subject I am Going to deliver Your Letter to Mons^r Le Marquiss Dequismne his Answer shall be to me a Law and if he orders me to Communicate it

You Sir I can Assure y^e I shall not Neglect Conveying of it Immediately to Your hands

As to the Summons you Sent me to quit my Post I do not think myself Oblig'd to Comply with it, whatever may be your Instructions I am Placed here by the Orders of my General Sir I desire you not to have the Least doubt of my Constancy and Resolution to Conform myself with all the Exactness and firmness that may be Expected from a good Officer

I am Ignorant that in the Course of this Campaign anything has happen'd that Can be thought an Act of Hostility nor that has been Contrary to the Treaty Subsisting between the Two Crowns the Continuance of which is as much our Interest and desire as it is that of the English S^r if you had been pleas'd upon this point to have given a Particular Detail of the Acts & Motives of Your Complaints I should have done my self the Honour to have Answer'd you more directly, & I am persuaded that You wou'd have had reason to be satisfied.

I thought it my Duty to receive M^r Washington with that distinction due to Your Dignity to his quality & great merit I flatter myself that he will acquaint you as I Likewise do with what Profound Respect

I am

S^r Your most Humble and most Obed^t Serv^t

LEGARDEUR DE'S^t PIERRE

From the Fort }
On the River, 1753. }

M^r Alexander acquainted His Excellency and this Board that in a few Hours M^r Nevill and he would have finish'd their Answer to the Proposals of New York mentioned in the Minitts of the Seventh Instant Order'd that the Gentlemen of the Council or any three of them be a Committee to receive and Consider the said Answer wth the Proposals & report their Opinion thereon to this Board, Order'd also that the said Committee do Enquire into the Facts Concerning

the late Disturbances near the Line of New York & other Proceedings on that Affair since the Printed Memorial of the Proprietors of East New Jersey & make their Report thereon to this Board.

Then His Excellency adjourn'd the Board to 9 °Clock to morrow morning

Feb^y 22^d 1754

The Council mett. Present as before

His Excellency having Laid before the Council a Letter from Jo^s Warrell Esq^r His Majesty's Attorney Gen^l of this Province, of the 14th Instant respecting a Riott Lately Committed in the County of Hunterdon together wth Several Depositions respecting the Same, Order'd that the Secretary do write to the Attorney Gen^l in the Name of the Governour & Council to proceed against the Persons Concerned therein according to Law & to transmitt to him all the depositions relating to that matter

M^r Antill, Chairman of the Committee on the Letters mentioned in his Excellency's Speech of Yesterday made the following report on the Letters of the R^t Honourable Lords of Trade

May it Please Your Excellency

In Obedience to Your Excellencys Order in Council of Yesterday referring to us a Letter of September 18th 1753, from the Lords Commissioners for Trade & Plantations, to your Excellency & acquainting us that the Hon^{ble} James De Lancey Esq^r Lieutenant Gov^r of New York had appointed the Fourteenth day of June next for the Interview wth the Indians at Albany, we do humbly report to Your Excellency that it is Our Opinion Your Excellency shou'd Call together the General Assembly of this Province in Convenient Time before the said Fourteenth day of June & to lay before them the said Letter and the Expediency of the measure there pro-

posed Recommending to them in the strongest manner to make provision for y^e Expence thereof.

Feb^r 22^d 1754

By Order of the Committee

EDWARD ANTILL

Also the following Report on Governor Dinwiddies Letter

May it Please Your Excellency

In Obedience to Your Excellency's Order in Council of Yesterday Referring to us the Letter of the Hon^{ble} Robert Dinwiddie, Esq^r Lieut^t Gov^r of Virginia of the 29th of January last with Copy of the Letter of the French Commander on Ohio Dated the Fifteenth day of December last to report our Opinion what Your Excellency shou'd do therein, We do beg Leave humbly to report that we are fully of Opinion that the Subject matter of these Letters highly Concerns all the British Plantations in America, Yet Your Excellency can raise no men nor money to Support them without the aid of the General Assembly of this Province. That as no Plan of Operations is Laid before you nor no Account, whether Virginia will raise any or how many men nor what Number may be Necessary for this Province to raise, We think before Notice of these Things Came to Your Excellency's it would be too Soon to call the Assembly together for that Purpose. But we are further of Opinion that Your Excellency shou'd Continue the Assembly on Short Prorogations that they may meet with all Possible speed Immediately on Notice of the Preceeding matters now waiting that they may be then Laid before them

Feb^r 22^d 1753

By Order of the Committee

EDWARD ANTILL

M^r Saltar Chairman of the Committee to whom the References were Yesterday made Concerning the Line of New York made report which was read & approv'd of and Order'd to be fil'd

A Petition from Sundry Inhabitants of the Back parts of

Hunterdon Dated 24th Jan^r 1754 requesting the appointing one or more Justices in that Part of the County was read & referred to the next meeting of the Council And M^r Saltar is desir'd to Procure Information of a proper person for that Purpose

A Petition from the Inhabitants of Elizabeth Town for a Justice And his Excellency by advice of Council appoints David Day to be Added to the Commission for the County of Essex

A Petition from Joseph Bonny was read desiring Directions from his Excellency in what manner he shou'd get redress for the Injuries he had Suffered by the Male Administration of John Riddle Late Sheriff of Somerset County. Whereupon M^r Ogden Inform'd his Excellency & Council that he was appointed of Council to assist the Petitioner in the recovery of his right and that he had given his Opinion in what manner the Petit^r ought to Proceed wth Advice the Petit^r declined following, Therefore tis the Opinion of this Board that he Pursue such Advice as has & Shall be given to him by the Assistance appointed him by the Supream Court & that an Application to his Excellency & Council is premature before the s^d Advice be followed & determined & that his Application for further Assistance if Necessary shou'd be made to the Supream Court

| | | |
|---|---|--------------------------------------|
| Robert Stevens | } | In Error |
| v | | |
| Luke Tuckness | | |
| Ex D ^{ef} ne of Isaac Hinchman | | Charles Read Esq ^r one of |

the Justices of his Majesty's Supream Court of Judicature of this Province delivered in to this Board a Writt of Error & return thereof under the Hands of Samuel Nevil & Charles Read Esq^r Justices of the s^d Supream Court wth the Transcript of the record in the said Supream Court annexed.

On motion of David Ogden Esq^r for Joseph Scattergood Attorney for the Defendant in Error it is Order'd that the Plaintiff in Error do Assign his Errors in Twenty days after

a Service of a Copy of this rule on the Plaintiff or his Attorney or be Non Suit.

His Excell^y Nominated Matthias Hetfield to be a Judge & Justice of the Quorum in Essex County to w^{ch} the Council Assented.

He also Nominated John Taylor & James Grover to be Justices in Monmouth County to w^{ch} the Council Assented

Then His Excellency by advice of Council signed the following Warrants

- N^o 272 To himself or Order for one Quarters
Salary due to him as Governour of
this Province for y^e Quarter Ended
y^e 21st Inst^t.....£250 ,, ,,
- 273 To himself or Order for one Quarters
House rent due to him y^e 21st In-
stant as Gov^r of this Province..... 15 ,, ,,
- 274 To Samuel Nevill Esq^r for a Quarters
Salary as 2^d Justice of the Supream
Court of this Province for the Quar-
ter ended y^e 21st Inst^t..... 6 ,, 5 ,,
- 275 To Charles Read Esq^r for a Quarters
Salary as one of the Justices of the
Supream Court of this Province for
the Quarter ended y^e 21st Inst^t..... 6 ,, 5 ,,
- N^o 276 To Joseph Warrell Esq^r Attorney Gen^l
of the Province for a Quarters Sal-
ary for the Quarter Ended y^e 21st
Inst^t..... 7 ,, 10 ,,
- N^o 277 To Andrew Johnston Esq^r one of the
Treasurers of this Province for his
Salary for the Quarter Ended y^e 21st
Inst^t..... 10 ,, 0 ,,
- N^o 278 To Samuel Smith Esq^r one of the
Treasurers of this Province for his
Salary for a Quarter Ended y^e 21st
Inst^t..... 10 ,, ,,

| | | |
|--------|---|----------|
| N° 279 | To Charles Read Esq ^r Clerk of the Council for his Salary for the Quarter Ended y ^e 21 st Ins ^t | 7 „ 10 „ |
| N° 280 | To John Smith Clerk of the Circuits for a Quarters Salary Ended the 21 st Instant..... | 5 „ „ |
| N° 281 | To David Ogden Esq ^r for 19 days attendance in Council at the Session of Gen ^l Assembly | 5 „ 14 „ |
| N° 282 | To Edward Antill Esq ^r for 21 days attendance in Council at the Sessions at Amboy in 1749..... | 6 „ 6 „ |
| N° 283 | To Anthony Elton Door Keeper of y ^e Council for a Quarters Salary due the 21 st Instant..... | 2 „ 10 „ |

Whereas no Goal is as Yet Erected in the County of Sussex Being but Lately Erected into a County, being formerly part of Morris County, which was formerly part of Hunterdon County, & formerly Part of Burlington County and whereas for want of a Goal, Criminals in the said County of Sussex may Escape, from being brought to Justice to prevent w^{ch} It is Order'd that a special Commission do issue under the great Seal of this Province, Impowering the Justices of the Peace in & for the said County of Sussex for the Time, being to send & Commit such Criminals as are Lawfully accused of Crimes not Bailable, or of Crimes Bailable, But where Bail is not given to the Common Goal for Burlington or Hunterdon County and there to remain till delivered by due Course of Law & that All Sheriffs Constables Goalers and other his Majesty's Leige Subjects of the said County of Sussex, Hunterdon & Burlington, be aiding & Assisting in the Premises which Commission to Continue till a Gaol be Erected for the said County of Sussex

At a Council held at Elizabeth Town in the Province of
New Jersey on Saturday the 23^d day of March 1754

Present

His Excellency Jonathan Belcher Esq^r Governor

| | |
|--|---------------------|
| The Hon ^{ble} James Alexander | } Esq ^{rs} |
| Andrew Johnston | |
| Richard Saltar | |
| David Ogden | |
| Lewis M: Ashfield | |

His Excellency Laid before the Board a Letter he had rec^d
from the Hon^{ble} Robert Dinwiddie Lieutenant Governor of
Virginia dated y^e 23^d Ultimo Enclosing a Proclamation His
Honour had Issued wth the advice & Consent of his Majesty's
Council of that Province for encouraging Men to Enlist in
His Majesty's Service for the Defence & security of that
Colony wth Letter is as follows

Williamsburg February 23^d 1754

S^r

I wrote you Lately by an Express to which I referr You
since that Our Assembly has met and voted £10,000 towards
the Expedition to the Ohio I am in great hopes of Aid from
You which if Your Assembly have Qualified You to raise
men to assist the Common Cause, I shou'd be glad if Your
Forces cou'd Join them from Pensylvania, so as to be at the
place of Rendezvous as Soon as Possible.

I am with very great Esteem & regard

Y^r Excellen^{cy} most

Obed^t Hble Serv^t

ROBERT DINWIDDIE

Gov^r Belcher

This inclosed Proclamation will be General to all the Forces

Also a Letter from the Gov^r of Virginia dated the 1st of
March 1754 enclosing a Printed Copy of Major Washingtons

Journal to & from the French Fort on a Branch of Ohio &c.
wth Letter is as follows

W^msburg Virg^a Mar: 1st 1754

S^r

Having Occasion to send an Express to New York I trouble you with this to acquaint you, we are raising Forces for the Expedition to the Ohio; And I Expect our Small Regiment will be Completed, & at Alexandria by the 20th of this Month, from thence to Wills's Creek & so to Ohio.

As the Affair greatly depends on the aid of our neighbouring Colonies I hope that under Your Command have shewn their Duty, by Your Assembly's Qualifying you to raise some Forces, If so the sooner they are on the March the Better, as the French will be very active on hearing of our motions & Intentions.

As You have been so long distinguished in the Service of the Crown, I need use no Arguments to influence Your Zeal on the Present Emergency for the good of the Common Cause.

I send You, Inclos'd Major Washingtons Journal to the French Commandant

Wishing You health & Prosperity

I remain

Your Excellency^a

most Obed^t h^{ble} Serv^t

ROBERT DINWIDDIE.

Gov^r of the Jersies

The Council are of Opinion that the aid of the Legislature is necessary in this matter & that it is adviseable that His Excellency appoint a meeting for that purpose wth all Convenient Speed.

He also laid Before the Board a Letter from the Hon^{ble} James De Lancey Esq^r Lieutenant Governour of New York Dated y^e 15th of this Instant March Enclosing a Report of the Council of New York Dated 1st Ins^t & approved y^e 4th

respecting the Line of Division¹ between this Province & y^e Province of New York wth being read this Board advise His Excellency to Order a Copy thereof to be serv^d on the Presid^t of the Council of Proprietors of East Jersey in Order to their making an Answer to the Same

Compared wth the Journals of the Council of New Jersey of wth this is a true Copy

CHA READ D Secr^y

April y^e 4th 1754

At a Council held at Perth Amboy on the 23^d day of April 1754

| | | |
|------------------------|----------------|--------------------|
| | Present | |
| | Edward Antill | } Esq ^r |
| | James Hude | |
| The Hon ^{ble} | Peter Kemble | |
| | Thomas Leonard | |
| | David Ogden | } |

The Secretary delivered to the Board the following Letter from his Excellency the Governour

Gentlemen of the Council

The orders I have lately received from his Majesty have made it Necessary that I convene the Assembly at this time when I intended to have met them at Perth Amboy but the weak State of Health I am under at Present makes me unable to get thither and I doubt it will be inconvenient for them to Set at so great a Distance as that is from the Governour and the King having made Provision by his Twelfth Royal Instruction upon an extraordinary Necessity to Appoint them by your advice to sit elsewhere I therefore desire you to Consider the Matter and give me your Opinion upon it and whither it may not be proper and Convenient to Adjourn them to meet me at this place

J BELCHER

¹ Proposing a line of peace. See documents relating to the Col. Hist. of N. Y., VI., 889.

To which the Council made the following Answer

Sir

We have considered your Excellencys Letter of the 22^d Instant and are Unanimously of opinion that it is for his Majesty's Service and the good of the Common cause for your Excellency to meet the Assembly as soon as possible and that it would be most agreeable to Continue them at this place where the Assembly are now met but as your Excellency's great Indisposition renders it impracticable for you to go abroad (whereof you are the best Judge) we are under the Necessity of Advising your Excellency to adjourn the Assembly to Elizabeth Town where we shall attend

We are

Your Excellencys

Most obed^t humble Serv^{ts}

Amboy

EDWARD ANTILL JAMES HUDE

April 23: 1754 PETER KEMBLE THOMAS LEONARD

DAVID OGDEN

At a Council held at Elizabeth Town on the 25th day of April 1754

Present His Excellency the Govern^r

| | | |
|------------------------|----------------|--------------------|
| | Edward Antill | } Esq ^r |
| | James Hude | |
| The Hon ^{ble} | Peter Kemble | |
| | Thomas Leonard | |
| | David Ogden | |

His Excellency having by the D Secretary commanded the attendance of the House of Assembly they attended when he was pleased to make the following speech.

Gentlemen of the Council & of the General Assembly

Altho I am sensible it is a busy Season yet his Majesty's Royal Orders have made it absolutely Necessary to call you

together at this time and I have directed the The Secretary to lay before you the following Letters

One from the Right Honourable the Earl of Holderness one of his Majesty's principal Secretarys of State dated Whitehall August 28th 1753

And another from the Right Honourable the Lords Commissioners for Trade and Plantations Dated Whitehall September 18th 1753¹

The first Letter you will see relates to any hostile Attempts or Incroachments that should be made on the Limits of the Kings Dominions

And the other respects an interview that is to be held the middle of June next with the Chiefs of the Six Nations at Albany

I have also ordered to be communicated to you Three Letters from the Honourable M^r Dinwiddie Lieu^t Governour & Commander in Chief of His Majesty's Territory and Dominion of Virginia

Which give you the Particulars of the Invasion and Depredations made by a Body of French and Indians on the Kings Lands and of the Cruel Barbarities and Murders Committed by them on his good Subjects and all done in Infraction of the Treaty's of Peace made Between his Brittish Majesty and the French King

I also send with the other Letters Mentioned One from his Excellency M^r Shirley Governour of His Majesty's Province of the Massachusetts Bay in New England And another from the Honourable M^r De Lancey Lieu^t Governour and Commander in Chief of His Majesty's Colony of New York

By these two letters you will find the unjust Attempts the French are making upon the Kings Territories in New England and that they seem to be laying Schemes for a General Destruction and Ruin of the English Provinces on this Continent as also the great Necessity of our Joyning with the other Colonies in sending Commissioners to albany in June next there to Consult the most prudent measures for

¹ See N. J. Archives, VIII., Part I., 156.

holding and Confirming the Six Nations in the English Interest Yet if upon the whole there becomes a Strict union among all his Majestys Colonies we may Reasonably hope (with the help of God) the designs of the French will soon be rendered vain & abortive which at present so nearly affect the honour and Interest of the Crown of great Britain as well as the future Peace and Welfare of this and the Neighbouring Provinces I therefore earnestly recommended to your most deliberate and mature Consideration these extraordinary Proceedings and then I shall not doubt your doing everything in your power in aid & Assistance with the rest of the English Colonies I say I hope you will Chearfully unite with them to ward off from Yourselves & your Posterity the fatal Consequences that must attend the present unjustifiable Violences and Insults of the French (in conjunction with the Indians) and on this Occasion it is with pleasure Gentlemen that I mention to You the Zeal and Alacrity with which many of our Neighbours have already exerted themselves for the Kings Honour and Interest and in Compassion to their fellow Subjects in this uncommon Exigency and your Answering the Kings just expectations in these Important Affairs You may depend will greatly recommend you to the Royal Grace and Favour

Gentlemen

You will according to your wonted care make Inquiry into any temporary Laws that are expired and that ought to be revived.

Gentlemen of the General Assembly

As the Provision made in your last Session for the Support of the Government expires the next Month I shall not doubt your doing what may be Necessary for Maintaining the Honour and Justice of the Province

Gentlemen of the Council & of the General Assembly

I desire you will consider of any thing you may think further needfull to be done at this Session for His Majesty's

Service and for the Welfare of His good People and on your laying it before me you may be assured I shall heartily concur with you therein

Elizabeth Town

J. BELCHER

April 25th 1754

At a Council held at Elizabeth Town on the 30: Day of April 1754

Present.

His Excellency the Governour

| | | |
|------------------------|----------------|--------------------|
| | Edward Antill | } Esq ^r |
| | James Hude | |
| The Hon ^{ble} | Peter Kemble | |
| | Thomas Leonard | |
| | David Ogden | |

His Excellency informed the Board that Charles Read Esq^r one of the Justices of the Supream Court of this Province had begged Leave to resign his Commission for that Office which Surrender he had accepted and that thereby the place of one of the Justices of the said Courts became Vacant and was pleased to Nominate Richard Saltar Esq^r to succeed him in the said Office to which the Council assented Then he was pleased to sign the following Warrants

| | | |
|--------------------|--|---------------|
| N ^o 284 | To Richard Saltar Esq ^r for 32 days attendance in Council at a Session at Burlington in 1753..... | £9 ,, 12 ,, 0 |
| N ^o 285 | To Lewis Ashfield Esq ^r for 32 days attendance in Council at a Session at Burlington in 1753..... | 9 ,, 12 ,, 0 |
| N ^o 286 | To Abraham Clark Jun ^r for 4 Days attendance as Clerk of the Assembly at Elizabeth Town in 1752 also One pound eight Shillings for Copying the Votes for the Printer and recording the Same and Twenty Shillings for Pen Ink and Paper..... | 4 ,, — ,, — |

in Lieu To Thomas Leonard Esq^r in Lieu of
of N^o 76 N^o 76 which was granted 28th of
March 1749 and lost or mislaid by
him..... 24,, 12,,

Compared wth the Minitts of the Council of New Jersey
of wth this is a true Copy

CHA READ D Secr^y

A Journal of the Proceedings of his Majesty's *Council at
a Session of the General Assembly* Begun & holden at Perth
Amboy on

Wednesday June 5th 1754.

The house Met Present

The Hon^{ble} { James Hude
Andrew Johnston } Esqⁿ
Peter Kemble
Lewis Ashfield }

The House Continued till

Thursday June 6th 1754

The House Met Present

The Hon^{ble} { James Hude
Andrew Johnston } Esqⁿ
Peter Kemble
Lewis Ashfield }

A Message from the House of Assembly in the following
words

Ordered that M^r Lawrence M^r Cook M^r Leaming M^r Mickle
& M^r Wood Be a Committee to Join a Committee of the Coun-
cil to inspect the Treasurers Accompts and also to inspect and
Burn the Cancelled Bills and make report to the house & that

M^r Deacon & M^r Hancock do inform the Council thereof and desire them to appoint a Committee for that Purpose & that they will Please to appoint the time and Place of Meeting

Ordered That M^r Hude M^r Kemble & M^r Ashfield or any two of them Be a Committee to Join the Committee of the house of Assembly in Order to Inspect the Treasurers Acco^{ts} & to Examine & Burn the Cancelled money & that the Committee meet for that Purpose at the Treasurers on Monday next at four O Clock in the Afternoon & that M^r Johnston do acquaint the house of Assembly therewith

The House continued till

Friday June 7th 1754

The House met Present as above with M^r Ogden &

Continued till

Saturday June 8th

The House met Present as Before & Continued till

Monday y^e 10th 1754

The House met Present

The Hon^{ble} { James Hude
Andrew Johnston } Esq^{rs}
Lewis Ashfield

The House Continued till

Tuesday June 11th 1754

The House met Present as Before & Continued till

Wednesday June 12th 1754

The House met Present as Before & Continued till

Thursday June 13th 1754

The House met at Ten O'Clock in the Forenoon

| | | |
|------------------------|-------------------|--------------------|
| Present | | |
| The Hon ^{ble} | { James Alexander | } Esq ^r |
| | { Andrew Johnston | |
| | { James Hude | |
| | { Lewis Ashfield | |

A Message from the House of Assembly in the following words.

Ordered that M^r Fisher & M^r Vanvorst do Carry the Bill entitled an Act for naturalizing Johannes Doremus Hendrick Beuf Hendrick Beuf Jun^r & Cornelius Parant to the Council for their Concurrence which Bill with the said Message Being delivered to this House it was read a first Time and Ordered a Second reading

The house Continued till

2 o'Clock P. M.

The house met Accordingly

| | | |
|------------------------|-------------------|--------------------|
| Present | | |
| The hon ^{ble} | { James Alexander | } Esq ^r |
| | { Andrew Johnston | |
| | { James Hude | |
| | { David Ogden | |
| | { Lewis Ashfield | |

The Bill Entituled an Act for Naturalizing Johannes Doremus Hendrick Beuf Hendrick Beuf Jun^r and Cornelius Parant was read a Second time And was Committed to the Gentlemen of the Council or any three of them Also Ordered that the Proofs of the recitals in the said Bill Be Laid Before the Committee

The House continued till

Friday June 14th 1754.

The House met Present

| | | | |
|------------------------|-----------------|---|------------------|
| | James Alexander | } | Esq ^m |
| | Andrew Johnston | | |
| The Hon ^{ble} | James Hude | | |
| | David Ogden | | |
| | Lewis Ashfield | | |

M^r Ashfield from the Committee to whom the Bill for Naturalizing Johannes Doremus, Hendrick Beuf, Hendrick Beuf Jun^r & Cornelius Parant, was referred, reported the same without any Amendment, &

Ordered that the said Bill be read the third time

The said Bill having Been read the third time

Resolved the same do pass

Ordered that the Speaker do Sign the Same

Ordered that M^r Ashfield do acquaint the house of Assembly therewith

His Excellency came to the Council Chamber & having acquainted the house of Assembly that he was ready to receive their Address, they waited on him in Council & Presented the following Address

To His Excellency Jonathan Belcher Esq^r Captain General and Governor in Chief in and over His Majesty's Province of Nova Casaria or New Jersey, and Territories thereon depending in America, Chancellor and Vice Admiral in the Same, &c

The Humble Address of the Representatives of the said Province in General Assembly met

May it Please Your Excellency.

We His Majesty's most dutiful & loyal Subjects, the Representatives of the Colony of New Jersey in General Assembly met, have again taken Your Excellency's Speech into our

Consideration ; and have ordered a Bill to be brought in for the Support of His Majesty's Government ; have appointed a Committee to inspect the Laws, and come to a Resolution to assist the Neighbouring Colonies against the Encroachments of the French, in any well concerted Scheme for that Purpose, in Proportion to the Circumstances of this Colony, and that we ought to Provide for the same when ever it shall be laid before Us.

This House have always esteemed a Harmony & good Agreement with Your Excellency and the Council, to be for the Benefit of the Colony ; and from this Disposition have hitherto pass'd over most of the Reflections you have been pleased to cast on our Conduct, in some of Your Speeches and Messages ; But no Harmony can long subsist Unless the same good Dispositions and Interest unite those Concerned in it ; and are Sorry to Say, that we can't look upon several Expressions in Your last Message to us at Elizabeth Town any ways tending to Cement the same ; and are concerned, that Your Excellency shou'd view our Transactions in a wrong Light : It is therefore incumbent on us, to shew Your Excellency, that this House is not Guilty of that Disrespect and Ingratitude that You insinuate in Your said Message wherein You say, that our Method of answering Your Speech by a Message is unusual if not without Precedent ; and treating his Majesty's Representative with less Respect than was due to the Commission he has the Honour to bear or to his own kind and Benevolent Intentions ; for the Promoting the Welfare of the good People of this Province, whom we represent ; We wou'd have Been glad if your Excellency had given them reason to have said that You had truly represented his Majesty in redressing his Peoples Grievances as well as by Commission ; then this House wou'd have readily acknowledged the Justice & Care of Your Administration and have saved you the Labour of Writing and sending Your own Encomiums to this House by a Message. Its well known to Your Excellency, that when the Message You Complain of was sent to You By this House that the Council

was gone from Elizabeth Town, therefore we sent that Message to prevent Unnecessary Charge to the Colony by the Assembly's Waiting to deliver an Address to the Governor in Council: & had You been pleased to have Put those kind & Benevolent Intentions (that You tell us of) into Practice, you wou'd not have taken the Least Offence at that Method of Answering Your Speech even if it had been unusual & without Precedent; But on the Contrary, have we not reason to think, that other Governors, who do as much represent his Majesty By Commission as Your Excellency have had their Speeches answer'd by Messages from their Assemblies and no Exceptions taken thereat

We Beg Leave further to Observe Your Kind and Benevolent Intentions no ways appears by Your Charging this House with Want of Humanity and Tenderness to a Governor, who You are Pleased to Say has exerted his Publick and Private Interest for the Good of the Inhabitants of this Province and their Posterity; It's well known, that your Excellency has had as Large Sums of money Given you by the Assemblies as any Governor of this Colony ever had; and that Continued even after Your Removal from Burlington and dwelling in an inconvenient Part of the Colony; and we are truly Ignorant of any Instances of our Inhumanity to Your Excellency.

In What Manner Your Excellency has exerted Your Publick and Private Interest for the good of the Inhabitants of this Province, We are at a Loss to know. If it is the removing their Grievances; it is with Concern we are Oblidged to Say, that we don't know, that You ever agreed either with this or any other House of Assembly that any of the Grievances they Complained of were so, unless in the case of Enoch Anderson.¹ If any Representation should be necessary to be made Home, in Favour of his Majesty's most dutiful Subjects of New Jersey; We dont think that Your Constantly finding fault with and blaming our Conduct any Ways tends to place them in that favourable Light with his Majesty

¹ See N. J. Archives, VII., 546.

that their Loyalty deserves. The Duty We owe our Constituents has obliged us to be thus plain with Your Excellency, in Order to maintain a good Agreement between Your Excellency & his Majesty's Subjects under Your Government which this house heartily desires.

By Order of the House

CHA READ Speaker

Several of the Members being of the
People Called Quakers agree to the
Substance of this Address with their
Usual Exception to the Stile,

M^r Ashfield acquainted the House that he had obeyed the Order of the House

Saturday June 15th 1754.

The House Met Present

The Hon^{ble} James Alexander }
Andrew Johnston } Esq^r
David Ogden }

A Message from the House of Assembly in the following words

Ordered That M^r Low & M^r Ogden do Carry the Bill Intituled an Act to Enable the Mayor Recorder Aldermen & Common Council men of the free Borough & Town of Elizabeth to Build a Poor House Work House and House of Correction within the said Borough & to make rules Orders & Ordinances for the Governing of the same & to repair the Goals of the s^d Borough to the Council, for their Concurrence Which Bill with the s^d Message Being delivered to this House, it was read a first time & Ordered a Second reading
The House Continued till Tuesday June 18th 1754.

The House met accordingly.

| | | |
|------------------------|-----------------|--------------------|
| | Present | |
| | James Alexander | } Esq ^r |
| | Andrew Johnston | |
| The Hon ^{ble} | James Hude | |
| | Thomas Leonard | |
| | Lewis Ashfield | |

A Message from the House of Assembly in the following Words.

Ordered

That M^r Fisher, M^r Wetherill M^r Emley & M^r Wood do carry the Bill for Support of Government and settling the Quotas of the respective Counties and Levying a Provisional Tax to the Council for their Concurrence Which Bill Being delivered to this House was read the first Time & Ordered a Second Reading.

A Message from the house of Assembly in the following words

Ordered

That the Committee appointed to inspect the Treasurers Acco^{ts} have Power in Conjunction with the Committee of the Council to Reexamine all former Reports of the Committees of Acco^{ts} relative to all or any Deficiencies which may be Supposed to Be now outstanding and that M^r Low & M^r Mickle do acquaint the Council therewith

The Bill Entituled an Act to Enable the Mayor Recorder Aldermen and Common Councilmen of the Free Borough and Town of Elizabeth to Build a Poor House Work House and House of Correction within the said Borough & to make rules Orders & Ordinances for the Government of the same and to repair the Goals of said Borough was read a Second Time & Committed to the Council or any Three of them.

The House Continued till

Wednesday June 19th 1754.

The House met Present as Yesterday

The Bill Entituled an act for Support of his Majesty's Government of New Jersey to Commence the 21st May 1754 And to End the 21st May 1755, And to Discharge the Public Debts and Contingent Charges thereof and for Settling the Quotas in the respective Counties and Levying a Provincial Tax was read a Second Time & Committed to a Committee of the whole House

The House Continued till

2 o'Clock P. M.

The House met

Present as Before

M^r Leonard acquainted the House that he had received from M^r Mott and M^r Emley a Bill Entituled an Act for Settling the Quotas of the Counties of Morris & Sussex in the Fund by Law directed to be raised at Different Periods By Provincial Taxes for Sinking the Sum of fifteen Thousand Three hundred & Two Pounds and four Pence now outstanding in Bills of Credit made Current for his Majesty's Service in the Late War, and for Enabling the Said County of Sussex to Choose a County Collector if need require as also to Enable Several Precincts therein Lately Erected to Choose Assessors Collectors & Freeholders for the Present Year; for the Concurrence of this House, which Bill being read was Ordered a second Reading

M^r Johnston from the Committee to whom the Bill for Support of Government &c. was referred, Reported the same without any Amendment &

Order'd that the said Bill be read the Third time The s^d Bill having been read the third time

Resolv'd the same do Pass

Order'd that the Speaker Sign the Same.

Ordered that M^r Johnston do acquaint the House of Assembly therewith

The Bill Entitled an Act for settling the Quotas of the Counties of Morris & Sussex in the Fund By Law directed to Be raised at Different Periods By Provincial Taxes for sinking the Sum of Fifteen Thousand Three Hundred and two Pounds and four Pence now outstanding in Bills of Credit made Current for his Majesty's Service in the late War and for Enabling the said County of Sussex to Choose a County Collector if need require as also to enable Several Precincts therein lately erected to Choose Assessors Collectors and Freeholders for the Present Year was read a Second Time & Committed to a Committee of the whole House

Thursday June 20th 1754.

The House met

Present

| | | | |
|------------------------|-----------------|---|------------------|
| | James Alexander | } | Esq ^r |
| | James Hude | | |
| The Hon ^{ble} | Andrew Johnston | | |
| | Thomas Leonard | | |
| | Lewis Ashfield | | |
| | David Ogden | | |

M^r Johnston Acquainted the House that he had Obeyed the Order of the House of Yesterday

M^r Ashfield from the Committee to whom the Bill Entitled an Act to Enable the Mayor Recorder Aldermen and Common Councilmen of the Free Borough and Town of Elizabeth to Build a Poor House Work House, and House of Correction within the s^d Borough & to make Rules & Ordinances for the Government of the Same and to repair

the Goals of s^d Borough was Committed reported the Same without any Amendment

Order'd,

That the said Bill be read the third time

The said Bill having been read the third time resolved the same do Pass

Order'd

That the Speaker do sign the Same

Order'd

That M^r Ashfield do acquaint the House of Assembly therewith

The House Continued till

Friday June 21st 1754

The House met

Present as Yesterday

M^r Ashfield Acquainted the House that he had Obeyed the Order of the House of Yesterday

M^r Ashfield from the Committee appointed to Examine the Treasurers Acco^{ts} & Burn the Cancell'd money Reported the Same as Follows

D^r Andrew Johnston Esq^r Treasurer of the Eastern C^r Division of New Jersey vs Contra

| | | | |
|--------------------------------|---------------|--------------------------------|---------------|
| To an Arrear still outstanding | | By the two Deficiencies | |
| in | £ s D | still outstanding in | |
| Middlesex..... | 18,, 18,, 5½ | Middlesex as p Report | £ s D |
| To Ditto in 1780..... | 25,, 0,, 0 | in 1788..... | 48,, 18,, 5½ |
| | <hr/> | By the Three Deficiencies | |
| | £43,, 18,, 5½ | still outstanding in Ber- | |
| To Sundry Arrears in the In- | | gen, Essex & Middlesex | |
| terest money Per Reports in | | as p Dr Side..... | 182,, 3,, 10½ |
| 1744 & 1747 | | By Part of the Deficiency | |
| Bergen..... | 21,, 4,, 9½ | of £73,, 14,, 0 in the In- | |
| Essex..... | 72,, 6,, 5½ | terest of the £40,000 | |
| Middlesex..... | 38,, 12,, 7½ | (that was reported in | |
| | <hr/> | 1788) Still Outstanding | |
| | 182,, 3,, 10½ | in Somerset..... | 17,, 0,, 0 |

To the Deficiencies reported
at Last Settlement to be
Outstanding in the Interest
of the £40,000

In Essex
(since received).....75,, 14,, 5
Somerset

(part since read)78,, 14,, 0
149,, 8,, 5

To the Three Deficiencies in
Bergen Occasioned By the
Miscalculation of 20/ 3 An-
num for three Years, By the
sd Report now paid in..... 8,, 0,, 0

To Balance due to the Colony
as, 3 Report in 1753..... 868,, 9,, 6½

1753. To a Tax payable from
the Eastern Counties on the
21st of November 1753

Vizt Middlesex.....271,, 18,, 1½

Monmouth.....394,, 6,, 0½

Essex.....233,, 11,, 4½

Somerset334,, 19,, 3

1284,, 14,, 9½

Bergen the Quota not raised,
But Provided for by the New
Bill for Support of Govern-
ment.

£2461,, 15,, 0½

By Sundry Vouchers

Examined, Allowed &
Endorsed By the Com-
mittees the 20th Day of
June 1754 Amounting
in the Whole to..... 1110,, 7,, 4

By Ballance due to the
Colony..... 1158,, 5,, 5

£2461,, 15,, 0½

By Order of the Committees

LEWIS M ASHFIELD

AARON LEAMING

The said Committees also Proceeded to Inspect and Burn
the several Bundles of Cancelled Bills of Credit following
which the said Treasurer Johnston laid Before them; And
Agree that Aaron Leaming do make the following Report to
the House of Assembly :

That there ought to have Been sunk on the £20,000 &
£40,000 Emissions in 1749, 1750, 1751, 1752, 1753, &c

In the County of Middlesex £,, 8,, D

On the £20,000..... 287,, 5,, 0

On the 40,000 £574,, 10 for 5

years.....2872,, 10,, 0

3159,, 15,, 0

That the Honourable Andrew
 Johnston Esq^r Treasurer of
 the Eastern Division Laid
 Before the Committees, five
 Bundles of the Cancelled
 money of said County, which
 were examined and Burnt by
 the s^d Committees Amounting
 to3159,, 15,, 0

£,, S,, D

So that Middlesex has Can-
 celled their full Quota & are
 deficient..... 0,, 0,, 0

In the County of Monmouth,
 a Deficiency reported in
 1748 914,, 9,, 5
 On the £20,000..... 423,, 17,, 6
 On the 40,000 £847,, 15 for
 5 years.....4238,, 15,, 0

5577,, 1,, 11

Examined & Burn'd By the
 said Committees Twenty one
 Bundles Laid Before them
 By Andrew Johnston Esq^r
 Containing5225,, 9,, 9½

So that Monmouth is Deficient.. 351,, 12,, 1½

In the County of Essex
 a Deficiency as reported in
 1748 24,, 8,, 6
 On the £20,000 Emission..... 340,, 5,, 0
 On the 40,000 £680,, 10 for
 5 years.....3402,, 10,, 0

3767,, 3,, 6

| | |
|---|----------------------|
| Examined & Burned By said Committees Six Bundles Laid Before them by Andrew Johnston Esq ^r Containing... | 3658 ,, 0 ,, 0 |
| So that Essex is Deficient..... | 109 ,, 3 ,, 6 |
| In the County of Somerset | |
| On the £20,000..... | 97 ,, 10 ,, 0 |
| On the 40,000 £195, for 5 years..... | 975 ,, 0 ,, 0 |
| | 1072 ,, 10 ,, 0 |
| Examined & Burn'd by the said Committees Ten Bundles Laid before them By Andrew Johnston Esq ^r Containing... | 1072 ,, 10 ,, 0 |
| So that Somerset hath sunk their Quota and are De- ficient..... | £ 8 D 0 ,, 0 ,, 0 |
| In the County of Bergen | |
| On the £20,000..... | 204 ,, 15 ,, 0 |
| On the £40,000 £409 ,, 10, for 5 years.. | 2047 ,, 10 ,, 0 |
| | 2252 ,, 5 ,, 0 |
| Examined & Burned By the said Committees five Bundles Laid Before them by Andrew Johnston Esq ^r Containing... | 2252 ,, 5 ,, 0 |
| So that Bergen hath sunk it's Quota And are Deficient.... | 0 ,, 0 ,, 0 |

And these Committees do further report that the seeming
Impropriety of Monmouth Sinking the above mentioned
Pence and Farthings, had its rise from there Being three
Commissioners, their Cancelling their Money Separately, and

the Justices and Freeholders in their Certificate Calling it the above Sum tho in Fact, there was some Small matter more

By Order of the Committees

LEWIS M. ASHFIELD

June 21st 1754.

AARON LEAMING

M^r Hude from the Committee to whom the Bill Entituled an Act for settling the Quotas of the Counties of Morris and Sussex in the Provincial Tax's &^e was Committed reported the same without any Amendment

On the Question put whether s^d Bill be read the Third time, it Passed in the Negative

A Message from the House of Assembly in the following Words

Ordered that M^r Wetherill & M^r Stevens do wait on the Council and desire to know if they have any thing before them if not that this House Proposes to Apply to his Excellency for Leave to rise

M^r Wetherill & M^r Stevens were desired to Acquaint the House of Assembly that this House had Nothing Before them

The House Continued till

2 °Clock P. M.

The House Met

Present

His Excellency the Governor

| | | |
|------------------------|-----------------|--------------------|
| | James Alexander | } Esq ^r |
| | James Hude | |
| The Hon ^{ble} | Andrew Johnston | |
| | David Ogden | |
| | Lewis Ashfield | |

His Excellency having by the Clerk of the Council required the Attendance of the House of Assembly they Attended when he was Pleased to give his Assent to the Following Bills

I. An Act for the Support of the Government of his Majesty's Colony of New Jersey, to Commence the Twenty first day of May, One Thousand Seven hundred and fifty four, and to End the Twenty first day of May One Thousand Seven hundred and Fifty five, and to Discharge the Publick Debts and Contingent Charges thereof and for settling the Quotas in the respective Counties and Levying a Provincial Tax

II. An Act to Enable the Mayor Recorder Aldermen & Common Council of the Free Borough & Town of Elizabeth to Build a Poor house Work house and house of Correction within the said Borough and to make rules and Ordinances for the Government of the Same and to repair the Goals of said Borough.

III. An Act for Naturalizing Johannes Doremus Hendrick Beuf Hendrick Beuf Junr and Cornelius Parant.

Then His Excellency was pleased to make y^e following Speech

Gentlemen of the General Assembly.

In Obedience to His Majesty's Commands, I have this Sessions laid before You, the Necessity of Your enabling me to send Commissioners to meet at the Present Congress at Albany, and also to make a Suitable Present to the Indians to Continue them our Allies & Friends.

I have also recommended to You Your doing Something to strengthen the Forces raised in Virginia, to repel the French out of the Kings Dominions on the River Ohio But to all this You have turn'd a Deaf Ear: Neither the Expectations of His Majesty His Honour & Dignity, the Peace, Happiness Safety and Lives of his Subjects, in these his Dominions have moved You; But rather than to Give a helping hand You seem Willing to Suffer the French to

enter into & Possess themselves of a great Tract of Land (undoubtedly Belonging to the Crown of Great Britain) and tamely to Permit a most Cruel and Barbarous Enemy to have it in their Power at their Will and Pleasure to murder and Destroy Hundreds of Families in this and the neighboring Colonies; Which most Certainly will be the Case if the French are allowed to Continue on the Lands on the Ohio: For my Own Part Gentlemen I did not think that one Word need Be said, to urge an Assembly on the English Continent in America to Exert Themselves on this Occasion; when it is (as I am Credibly Informed) the Voice of almost all the Kings Subjects in these his Colonies that something Effectual Ought to Be speedily Done on this Occasion. It is True Gentlemen You By a resolve of Your House do say that when a Well concerted Scheme be made for that Purpose, and a General Plan be Laid Before Your House this Colony ought to Provide for the Same According to the Circumstances thereof; Can this Be Judged anything But an Intended Evasion; Do You Expect to be Consulted in the Scheme or Plan of Operation? Or do You think it is Proper to have the several Steps to Be taken against (a Vigilant Enemy) made Publick? You are neither Warriors Proper to Be advised with in Times of Action Or are the secret Schemes of War to be Published it is enough for Assemblies and the People to be acquainted with the General Design and the Danger of a Passive Submission to an Enemy (all which you have Been acquainted with) and instead of making Proper Provision on these Occasions you have treated me, as his Majesty's Representative in a most unjust as well as insolent manner, And at the same Time Assume to yourselves a right Superior to the other Branches of the Legislature and Enter into the Province of the Judges of the Courts of Law and deny them that right which the Constitution grants them

By Your Message of the 12th Instant And Your Address rec^d the 14th You insinuate as if this Colony has Been Loaded with Grievances during my Administration; And

that all which (except the Sheriff of Hunterdon) have remained unredressed. I cant call to remembrance any more than three which you call Grievances; being the Cases of the Justices of Burlington, the Late Sheriff of Perth Amboy, and the Late Sheriff of Hunterdon: In the two first Instances, I applied for Advice of his Majesty's Council thereon; and as to the second, to the Judges of the Supreme Court for their Opinion and acted accordingly; of which You in the Time thereof was acquainted, and think You (without Assuming the whole Power of the three Branches of the Legislature, and also of the Judges of the Courts of Law) ought to have acquiesced therewith; and not so Long after upbraid me as the Kings representative, of not Discharging the Trust reposed in me and in a rude and threatening manner, desire never more to hear any thing from me on that Head: The Case of the Sheriff of Hunterdon Being Similar to that of the Sheriff of Middlesex, the Advice received on the one answered for the other; and my Removal of said Sheriff, was on motives far different from that Suggested by you

The Complaint of Grievances sounds loud in a Country and is often made use of to Support some Designing men in their unjust Schemes when in Truth and in Fact, there is not the Least Foundation for the Complaint: Do You Expect that I must contrary to Advice of his Majesty's Council, the opinion of the Judges, and my own Judgment, run blindly into Your Sentiments? The House of Commons (to whom you are Pleased to Compare Yourselves) never attempted to stretch their Power (as You have done) that I remember when the Government was settled on a good Foundation. They indeed have an undoubted Right to complain of the Breach of a Law, and desire the matter may be inquired into; and redressed; But never determine the Thing Themselves, and declare what is or what is not Law; and I am sorry you shoud search into the Times of the greatest Confusion, for a Precedent to support such a Proceeding: That House of Commons voted the King and House of Lords useless; and thereby shewed, that the whole Constitution was

to Bow to the Obstinate Will of the Leaders of that House ; Lord Chief Justice Holt, in the Case of the Aylesbury Men told the house of Commons the same thing, which You take so much amiss to hear from me ; And that August Body, on considering the matter, found that he was right, and that he had the Concurrent, Opinion Of all the Wise men in the Nation to Support him ; This was their Sentiments of that Constitution and should be yours.

And upon the Whole Neither Your informing me of Your Being the Givers and Witholders of Rewards, or any other matter whatsoever, shall Prevail on me, either to Betray a trust reposed in me by his Majesty, or to Swerve from my Duty to him or to quit my great desire of promoting the Good and safety of the People under my Government and their Posterity.

Your conduct has rendered it absolutely my duty for the Honour of His Majesty and the future Well Being of this Colony to dissolve this Present Assembly ; thereby Putting it in the Power of the Good People of this Province, to show how they stand Affected in the Choice of their future Representatives, for the good of the great and Common Cause recommended to You this Sessions.

I Do therefore By virtue of the Power & Authority to me given dissolve this Present Assembly ; and You are Accordingly Dissolved.

Perth Amboy

J. BELCHER

June 21st 1754.

At a Council held at the City of Perth Amboy on Friday the 21st of June 1754

Present

His Excellency the Governor

| | | |
|------------------------|-----------------|--------------------|
| | James Alexander | } Esq ^r |
| | James Hude | |
| The hon ^{ble} | Andrew Johnston | |
| | David Ogden | |
| | Lewis Ashfield | |

His Excellency by advice of Council was Pleased to sign the following Warrants.

| | | | | | | | | | | | |
|--------------------|---|---|---|----|---|----|-----|---|---|---|---|
| N ^o 287 | To Himself or Order for a Quarters Salary due to him as Governor of this Province on y ^e 21 st of May last | £ | „ | 8 | „ | D | 250 | „ | 0 | „ | 0 |
| 288 | To Himself or Order for a Quarters House rent due y ^e 21 st of May last | | | 15 | „ | 0 | „ | 0 | | | |
| 289 | To Samuel Nevill Esq ^r for a Quarters Salary as Second Justice of the Supreme Court of this Province for the Quarter ended the 21 st day of May Last..... | | | 6 | „ | 5 | „ | 0 | | | |
| 290 | To Charles Read Esq ^r for his Salary as one of the Justices of the Supreme Court of this Province due the 28 th day of April last..... | | | 4 | „ | 13 | „ | 0 | | | |
| 291 | To Samuel Nevill Esq ^r Second Justice of the Supreme [Court] of New Jersey for holding the Circuit Courts & Courts of Oyer & Terminer & General Goal Delivery for the following Counties to wit. | | | | | | | | | | |
| N ^o 291 | Hunterdon on the first Tuesday in May Cumberland on the 4 th Tuesday in May Salem on the 1 st Tuesday in June & Gloucester on the Second Tuesday in June 1754..... | | | 40 | „ | 0 | „ | 0 | | | |
| N ^o 292 | To Andrew Johnston Esq ^r for 45 Days Attendance in Council at the Last Sessions of General Assembly held at Burlington Elizabeth Town and Perth Amboy..... | | | 13 | „ | 10 | „ | 0 | | | |
| 293 | To Thomas Leonard Esq ^r for 45 Days Attendance in Council at the Last Sessions of General Assembly held at Burlington Elizabeth Town & Perth Amboy..... | | | 13 | „ | 10 | „ | 0 | | | |

| | | | | | | |
|--------------------|--|----|---|----|---|---|
| 294 | To James Hude Esq ^r for 34 Days Attendance in Council at the Last Sessions of General Assembly held at Elizabeth Town & at Amboy..... | 10 | „ | 4 | „ | 0 |
| 295 | To David Ogden Esq ^r for 32 days attendance in Council at the Last Sessions of General Assembly held at Elizabeth Town & at Amboy..... | 9 | „ | 12 | „ | 0 |
| 296 | To Lewis Morris Ashfield Esq ^r for 25 days Attendance in Council at the Last Sessions of General Assembly held at Elizabeth Town & at Amboy | 7 | „ | 10 | „ | 0 |
| 297 | To Joseph Warrell Esq ^r as Attorney General of this Province for a Quarters Salary for the Quarter Ended the 21 st of May Last..... | 7 | „ | 10 | „ | 0 |
| 298 | To Andrew Johnston Esq ^r for a Quarters Salary as one of the Treasurers of this Province for the Quarter ended the 21 st of May Last..... | 10 | „ | 0 | „ | 0 |
| N ^o 299 | To Samuel Smith Esq ^r for a Quarters Salary as one of the Treasurers of this Province for the Quarter ended the 21 st day of May Last..... | 10 | „ | 0 | „ | 0 |
| 300 | To Charles Read Esq ^r for a Quarters Salary as Clerk of the Council for the Quarter ended the 21 st day of May Last..... | 7 | „ | 10 | „ | 0 |
| 301 | To Abraham Clark Jun ^r for 13 days Attendance as Clerk of the House of Representatives at a Session of General Assembly at P. Amboy & Elizabeth Town in April 1754 Also One Pound five shillings for Copying the Votes for the Printer & recording the Same. | 6 | „ | 9 | „ | 0 |

- 302 To John Smith or Order for a Quarters Salary as Clerk of the Circuits due y^e 21st day of May last. 5,, 0,, 0
- 303 To Thomas Fox for the use of a Room Firewood & Candle 18 days in January 1752 for the Assembly..... 3,, 17,, 2
- 304 To Jonathan Thomas for the use of a room fire and Candle for y^e Assembly at Several former Sitzings at Burlington £7,, 0,, 0 also for Thomas Rogers for firewood heretofore delivered for the Assembly 18/ 7,, 18,, 0

The above is a True Copy of the Minitts of Council for the Province of New Jersey Compar'd & Examined by me
CHA READ D Secr^y

A Journal of the Proceedings of Council at a Session of the General Assembly begun and holden at the City of Perth Amboy on Tuesday the first day of October 1754

Present

| | |
|-----------------------------------|--------------------|
| The Hon ^{ble} James Hude | } Esq ^r |
| Andrew Johnston | |
| Peter Kemble | |

The House Continued till

Wednesday Octob^r 2^d 1754

The House Met Present the Same

The House Contin^d Till

Thursday Octob^r 3^d 1754

The House Met Present the Same

His Excellency the Governor came into Council & having by the Dep^y Secretary informed the House of Representatives That he was Ready to receive the Presentation of their Speaker they attended & Presented Robert Lawrence Esq^r for their Speaker of Whom His Excellency approved.¹

After which His Excellency was Pleased to make the following Speech to Both Houses.

Gentlemen of the Council, and of the General Assembly.

The Bold and unwarrantable Incroachments of the French (with their Indians) upon His Majestys Lands, on the river Ohio with their Invading the Kings Territories, even from South Carolina to Nova Scotia, together with their Barbarous Depredations, and Murders of His Majesty's Subjects, has been the Chief Reason of my Calling you together at this Time, When I Hope you will See the Absolute Necessity of the Strictest Union among all His Majestys Provinces & Colonies not only for the Common Defence, but also for the s^d Better Safety & Welfare of each Particular Province and that You will Now Join with the Neighboring Governments and Chearfully exert yourselves in raising Men & Money for Repelling the French & for Driving them from the Continual Inroads they are making upon the Kings Lands & People; And these things You Can be no Strangers to, while We have repeated & Undoubted Accounts of their Constantly alarming the Frontiers of His Majesty's Provinces from their most Southerly to their most Northerly Bounds; I therefore Hope & have no Doubt but that these things will fire you (and every true English Heart) with a becoming In-

¹ The members of the Nineteenth Assembly were as follows: *Perth Amboy*—John Stevens, John Johnson; *Middlesex*—Samuel Nevill, John Wetherill; *Monmouth*—Robert Lawrence, James Holmes; *Essex*—John De Hart, Richard Bradbury; *Bergen*—George Vreeland, Rinear Vangieson; *City of Burlington*—Charles Read, Samuel Smith; *County of Burlington*—Barzillai Newbold, Henry Paxon; *Gloucester*—John Ladd, Samuel Clement; *Salem*—William Hancock, Ebenezer Miller; *Cape May*—Aaron Leaming, Jacob Spicer; *Somerset*—Hendrick Fisher, Jacob Hoagland; *Hunterdon*—Joseph Yard, Peter Middah. Of the foregoing, John Johnson died and Andrew Smyth succeeded him; Jacob De Hart retired and Robert Ogden took his place; Richard Bradbury's seat was vacated, and was filled by John Ogden; Barzillai Newbold died and was succeeded by Samuel Stokes.—*Proceedings of N. J. Hist. Soc.*, V., 31.

dignation against the very Extraordinary Proceedings of the French Contrary to the Law of Nations, & in open Violation of the Treaties of Peace between the Crown of Great Britain and the French King and to which the French ought to have a just & Sacred Regard.

The present Melancholy Situation of many of our Neighbours requires your speedy and human Regard towards them; Nor must you, Gentlemen, imagine Yourselves Exempted from these cruelties and barbarities; No! if there be not an Effectual Stop put to them you may Soon Expect the Enemy on your Own Borders: I Therefore Lately sent by Express, my Orders to the Colonels of the Several Regiments in the Province, to muster them, & to make a Thorough Inspection, that Officers and Men be furnished with Arms and Ammunition, as the Law directs & so may be ready for Service upon any Sudden Occasion. And here I think proper to say, that it Seems Necessary to revise the Militia Act, and to amend and Strengthen it, so as to Answer the End and Purpose for which it was made; and this to be done more especially at this Critical Juncture.

I have now also Ordered to be laid before you a Plan for the Union of the British Colonies on the Continent of America as Agreed on in the Congress of the Commissioners from a good Number of the Kings Provinces lately held in the City of Albany; together with a Particular Account of the Several Conferences held with the Six Nations and other Indians at the said Congress. These things you will well deliberate upon and do therein as you Shall judge reasonable and Necessary

Gentlemen of the General Assembly,

What I have now mentioned, must of Course be attended with Considerable Charge; and as the Provision for it most Properly Originates with You, I hope not only for the Kings Honour and Interest, but for the Safety and Wellfare of the People you Represent you will give the Needful Dispatch to everything to be done on Your part; and a Ready Instance

of your Duty in this Respect will Recommend you to the Royal Grace & Favour of the Best of Kings

Gentlemen of the Council & of the General Assembly

I am Sensible it will Soon be a Very busy Time in Your Private Affairs; When you have therefore gone through what I have now Laid before you, I shall be willing to give you such reasonable Recess as you may desire

J. BELCHER

Perth Amboy Octob^r 3^d 1754

His Excellency withdrew and the House Continu'd till

Friday Octob^r 4th

The House Mett

Present

| | | |
|------------------------|-----------------|--------------------|
| | James Hude | } Esq ^r |
| The Hon ^{ble} | Andrew Johnston | |
| | Peter Kemble | |
| | Thomas Leonard | |

The House Cont^d till

Saturday Octob^r 5th 1754

The House met Present as Before

The House Cont^d till

Monday Octob^r 7th

The House mett Present

| | | |
|------------------------|-----------------|--------------------|
| The Hon ^{ble} | James Alexander | } Esq ^r |
| | James Hude | |
| | Andrew Johnston | |
| | Peter Kemble | |
| | Thomas Leonard | |

The House Cont^d till

THURSDAY, JANUARY 14th

The House met. Present 22 Members.

The House sang the Anthem.

FRIDAY, JANUARY 15th

The House met. Present 22 Members.

The House sang the Anthem.

SATURDAY, JANUARY 16th

The House met. Present 22 Members.

The House sang the Anthem.

SUNDAY, JANUARY 17th

The House met. Present 22 Members.

The House sang the Anthem.

MONDAY, JANUARY 18th

The House met. Present 22 Members.

The House sang the Anthem.

THOMAS BAKER

THOMAS BAKER

THOMAS BAKER

THOMAS BAKER

The House sang the Anthem.

TUESDAY, JANUARY 19th

The House met. Present 22 Members.

The House sang the Anthem.

Tuesday October 15th

The House mett Present

| | |
|--|--------------------|
| The Hon ^{ble} James Alexander | } Esq ^r |
| James Hude | |
| Peter Kemble | |
| Thomas Leonard | |
| David Ogden | |

M^r Vreelandt & M^r Yard from the House of Assembly Presented for the Concurrence of this House a Bill intituled an Act for Naturalizing Henry Graaf and Others which Bill was read the first Time & Ordered a Second Reading

The Petition & Certificate of their having taken the Qualifications required by Law were read

The House Continued till

Wednesday Octob^r 16th

The House met

Present the Same

The Bill entitled an Act for Naturalizing Henry Graaf & others was read a Second Time & Committed to the Gentlemen of the Council or any three of them

The House Cont^d till

Thursday Octob^r 17th 1754

The House met Present

| | |
|--|--------------------|
| The Hon ^{ble} James Alexander | } Esq ^r |
| James Hude | |
| Andrew Johnston | |
| Peter Kemble | |
| Thomas Leonard | |
| David Ogden | |

Tuesday October 8th

The House met Present the Same

The House Cont^d till

Wednesday Octob^r 9th

The House met Present the Same

The House Cont^d till

Thursday Octob^r 10th

The House met Present the Same

The House Cont^d till

Friday Octob^r 11th

The House met Present as above

The House Cont^d till

Saturday Octob^r 12th

The House met Present

| | |
|--|--------------------|
| The Hon ^{ble} James Alexander | } Esq ^r |
| James Hude | |
| Andrew Johnston | |
| Peter Kemble | |
| Thomas Leonard | |

The House Cont^d till

Monday Octob^r 14th

The House mett Present as above

The House Contin^d till

Tuesday October 15th

The House mett Present

| | | |
|--|---|------------------|
| The Hon ^{ble} James Alexander | } | Esq ^r |
| James Hude | | |
| Peter Kemble | | |
| Thomas Leonard | | |
| David Ogden | | |

M^r Vreelandt & M^r Yard from the House of Assembly
Presented for the Concurrence of this House a Bill intituled
an Act for Naturalizing Henry Graaf and Others which Bill
was read the first Time & Ordered a Second Reading

The Petition & Certificate of their having taken the Quali-
fications required by Law were read

The House Continued till

Wednesday Octob^r 16th

The House met

Present the Same

The Bill entitled an Act for Naturalizing Henry Graaf &
others was read a Second Time & Committed to the Gentle-
men of the Council or any three of them

The House Cont^d till

Thursday Octob^r 17th 1754

The House met Present

| | | |
|--|---|------------------|
| The Hon ^{ble} James Alexander | } | Esq ^r |
| James Hude | | |
| Andrew Johnston | | |
| Peter Kemble | | |
| Thomas Leonard | | |
| David Ogden | | |

M^r Kemble from the Committee to whom was Committed the Bill Entituled an Act for Naturalizing Henry Graaf & others reported the Same without any Amendment

Ordered that the said Bill be read a third time And on the Question

Resolved that the Same do pass

Order'd that the Speaker do Sign the Same

Ordered that M^r Kemble do acquaint the House of Assembly therewith

M^r Read & M^r Leaming from the House of Assembly Presented for the Concurrence of this House a Bill entitled an Act to Empower the Justices of the Supream Court of the Colony of New Jersey to appoint Commissioners in the Several Counties of the Same for taking Bail & other Purposes therein mentioned which Bill was read the first time & Ordered a Second Reading

The House Continued till

2 ° P. M.

The House met

Present as Before

M^r Kemble Reported that he Had Obeyed the Order of the House.

The Bill entituled an Act to Empower the Justices of the Supreme Court of New Jersey to appoint Commissioners & was read the Second Time and Committed to the House or any three of them.

A Message from the Assembly by M^r Read M^r Miller M^r Fisher & M^r Hancock with a Draft of a Bill for making Current £70,000 &c. and of a Petition to his Majesty on that Behalf & desiring that this House will Please to give their Sentiments thereon to His Majestys Ministers in such manner as shall be most agreable to them.

And the Drafts of said Bill and Petition were Read and the House taking the Same into Consideration are of Opinion

That the making Current £70,000 in Bills of Credit at this Time in this Colony would be very agreeable to the Inhabitants in General and We Conceive it to be the only Practicable method at this Time for raising money to Assist His Majesty in defending His Territories in America without Laying a Heavy Burden on the People of this Colony in raising money by Additional Taxes

That We Agree with the House of Representatives in their Sentiments of the Necessity of making the Bills of Credit a Lawfull Tender for Payment of Debts as all Bills of Credit hitherto Current in the Plantations have Been and without which we are of Opinion that the Whole Intent of the Bill will be Defeated

We Shoud have Been Glad to have found Some of the Monies of s^d Bill which are not appropriated for future Sessions for His Majesty had Been applied for the Purchasing of Arms & Ammunition to be in readiness in Case of an Invasion and for the Defence of this and the neighbouring Colonies

Ordered that M^r Leonard and M^r Ogden do Carry back the said Draught of a Bill & Petition with the above Sentiments of this House concerning the Same.

The House Cont^d till

Friday Octob^r 18th 1754

The House met

Present

| | | | |
|------------------------|-----------------|---|------------------|
| The Hon ^{ble} | James Alexander | } | Esq ^r |
| | James Hude | | |
| | Andrew Johnston | | |
| | Peter Kemble | | |
| | Thomas Leonard | | |
| | Richard Saltar | | |
| | David Ogden | | |

M^r Ogden from the Committee to whom was Committed the Bill Entitled an Act to empower the Justices of the Supreme Court of the Colony of New Jersey to appoint Commissioners in the Several Counties of the same &c; reported the Same without Amendment

Ordered the s^d Bill be read the Third Time And on the Question Resolved that the same do Pass

Ordered that the Speaker do sign the Same

Ordered that M^r Ogden do acquaint the House of Assembly Therewith

The Minutes of the Proceedings of the Lieutenant Governor and Council of the Colony of New York & of the Commissioners from Several of the Colonies on the Continent of America at the Congress held at Albany in the Months of June and July last have Been under the Consideration of this House during this Session and this House is of Opinion that the Representation of July 9th in the said Minutes is a just & true Representation of the State of the British Colonies in America and that an Union as the said Representation Concludes is absolutely Necessary not only for the well being but for the Continuing the very Existence of the British Colonies in America

As to the Plan of Union entred in the said Minutes on the 10th of July¹ it must be left to His Majesty and the British Parliament to Establish such Plan for that Purpose as they in their Great Wisdom shall think most fitting and all that Can be said on that Head in America can only be to serve as Hints to them for their Consideration

We are Strangers to the Reasons the Commissioners had for placing the Power of this Union in two Branches of Legislature but we humbly conceive that the Power being plac'd in three Branches whereof two to be Constituted according to the Plan of the Commissioners and a third Branch Chosen by the Councils of the several Colonies and to Consist of one Half or a third of the Number of the

¹ See documents relating to the Colonial History of the State of New York, Vol. VI., 889.

General Council would be more Safe and agreeable to the Constitutions of Great Britain and of most of the British Colonies

Resolved that an humble Address be Presented to His Excellency thanking him for his Speech & for laying before us the Minutes at the Congress af^d referring him for our Sentiments thereon to the above Minutes and Praying him to Lay the Same before His Majestys Ministers

And the said Address was drawn and Being Approved of was fairly transcribed & Signed by the Speaker

Ordered that M^r Saltar do acquaint the Assembly that this House requests the Minutes of the Congress at Albany now Before that House.

A Message from the Assembly by M^r Hancock & M^r Dehart Desiring to know if this House have any Thing before them, if Not that the Assembly propose to apply to His Excellency for Leave to rise as soon as they have Presented their Address

A Message from the House of Assembly in the following Words

Ordered That M^r Leaming & M^r Yard do wait on the Council with the Minutes of the Congress at Albany and acquaint them that Whereas the House are of Opinion that the said Minutes should Be annexed to the Minutes of the House and Printed therewith to Obviate Some Unwarrantable Rumours that Prevail throughout the Colony and We have said Something to this Effect in our Address to be Presented to the Governor and as the said Minutes are very Long and we have Been otherwise deeply engaged and not knowing whether the Council wou'd Call for them or not have therefore omitted taking any Copy thereof which will be Necessary in Order to enable us to be Consistent with ourselves Therefore in full Confidence that the Council will Suffer our Clerk to take a Copy of those Minutes We have transmitted them herewith agreeable to their Request by M^r Saltar

The House Cont^d till

Monday Octob^r 21st 1754

The House met

Present

| | | |
|------------------------|-----------------|----------------------|
| The Hon ^{ble} | James Alexander | } Esq ^{res} |
| | Andrew Johnston | |
| | Richard Saltar | |

Ordered that M^r Saltar wait on His Excellency to know When he will be Pleased to receive the Address of this House

M^r Saltar Reported that His Excellency was Pleased to Say he wou'd Send Notice to the House

A Message from His Excellency by the Dep^y Secretary.

M^r Speaker His Excellency is now ready to receive the Address of the Council; Whereupon the Speaker waited on His Excellency and Delivered the Address of this House as follows

To His Excellency Jonathan Belcher Esq^r Captain General and Governor in Chief in and over His Majesty's Province of New Jersey and Territories thereon Depending in America Chancellor and Vice Admiral in the Same &c

The Humble Address of His Majesty's Council for the Province of New Jersey

May it Please your Excellency

We beg Leave heartily to thank your Excellency for your favourable Speech to both Houses at the Opening of this Sessions and for Laying before us the Minutes of the Proceedings of the Lieutenant Governor and Council of the Colony of New York and of the Commissioners from Several of the Colonies in the Continent of America at the Congress lately held at Albany which have been under the Consideration of this House and our Sentiments thereon we have Entred on our Minutes a Copy whereof is hereunto Annexed

which we humbly pray your Excellency, to Transmitt to his
Majestys Ministers

By Order of the House

J ALEXANDER Speaker

October 18: 1754

Then His Excellency Ordered the Deputy Secretary to
Inform the House of Assembly that he was in the Council
Chamber ready to receive the Address of that House

The House of Assembly Attended and the Speaker deliv-
ered the following Address to the Governor

To His Excellency Jonathan Belcher Esq^r Captain General
and Governor in Chief in and over His Majesty's Province
of New Jersey and Territories thereon Depending in America
Chancellor and Vice Admiral in the same &c

The Humble Address of the Representatives of said Prov-
ince in General Assembly Met

May it Please your Excellency

We His Majesty's most Dutiful and Loyal Subjects the
Representatives of the Colony of New Jersey, in General
Assembly Met beg leave to Acquaint your Excellency, that
we have taken the Encroachments of the French (with their
Indians) upon His Majesty's Territories into our most Serious
Consideration.

We can Truly say, we want not arguments, to Convince us
of the Absolute Necessity of the Strictest Union among all
his Majesty's Provinces and Colonies for the Preservation of
the whole and on our part, have Endeavoured to Cultivate
Such an Union of Contributing our Endeavours in the best
Manner the Circumstances of this Colony will Admit. Your
Excellency must be Sensible, that the Scarcity of a Currency
in this Colony at this time makes it very difficult for the
Inhabitants to Exert themselves as fully as the Exigency of
the times seems to require; And therefore we Cannot doubt,
but the Measures we have fallen upon, not only to give a
handsome Sum to the Kings Use at present but to provide a

Fund to do it hereafter, in case of a Like Necessity will Prove agreeable to your Excellency and all Concerned.

We have duly considered the Militia Act now in Force, and are of Opinion it will Sufficiently answer the Purposes Intended by it

We have also taken into Consideration, the Plan for the Union of the British Colonies on the Continent of America, as agreed on in the Late Congress at Albany; and are Sorry to Say we find things in it, which if carried into Practice would affect our Constitution in its very Vitals and for that reason we hope and believe, they will never be Countenanced by a British Legislature

We thank your Excellency, for the Care and Concern you have Shewn in the Several Matters Recommended to us, and we hope, the Unanimity and dispatch with which they have Severally been Treated in this House will recommend our Determinations and be agreeable to your Excellency

By Order of the House

ROBERT LAWRENCE

Speaker

Several of the Members being of the People called Quakers agree to the Substance of this Address with their Usual Exceptions to the Stile }

Then His Excellency Gave his Assent to a Bill Entitled An Act to Naturalize Henry Graaf and others, and then Proroged the General Assembly to y^e 22^d of November next

The Honourable Andrew Johnston Esq^r Colonel of the Regiment of Foot Militia of the County of Middlesex Informed his Excellency and the Board that Albert Skink a Captain of the Company to be raised in the Town of New Windsor in the County of Middlesex had been Served with an Order to Appear in Arms with his Company at Amboy at the General Muster of the said Regiment there on Thursday the 3^d day of October 1754 and that he had Designedly Omitted and refused to appear with his Company in Arms at the General Muster afores^d

His Excellency & Council taking the same into Consideration and being Sensible how much such a Disobedience would destroy the good Order of the Militia and Weaken the Force of the Province

Ordered that an Information be preferred against the Said Albert Skink for the Same and that the Attorney General be Served with a Copy of this Order.

A true Copy from the Original Minitts of Council
Compared by CHA READ D Secr^y

At a Council held at Elizabeth Town on Friday the 22^d of November 1754 Present his Excellency Jonathan Belcher Esq^r Gov^r

| | | |
|----------------|-----------------|---|
| | James Alexander | } Esq ^m of his Majestys Council |
| | James Hude | |
| The Honourable | Andrew Johnston | |
| | Peter Kemble | |
| | Richard Saltar | |
| | David Ogden | |

His Excellency Delivered a Speech to His Majesty's Council Which was as followeth Viz^t

Gentlemen of his Majestys Council

Since we were last Together I have Received from the Right Hon^{ble} The Lords of Trade and Plantations a Letter Dated the 5th of July last,¹ wherein I have the following Paragraphs and which in Duty to his Majesty and from a Tender Regard to his good Subjects of this Province, I think Proper to Communicate to you, and to have your most Mature advice upon them Viz^t

"It gives us great Pleasure to find by your Letter of 8th of August² last that the Province is in so Peaceable a State
"with Respects to the Riots and Tumults by which it has of
"late Years, been so greatly Disturbed; we intirely Agree
"with you, that if the Proprietors, would Avail themselves,

¹ Printed in full in N. J. Archives, VIII., Part I., 294.

² *Ibid.* 151.

"of this Peaceable Disposition, to bring on their Actions, of
"Trespass, and Ejectment, The Points upon which these Dis-
"putes, and Riots, have Arisen, might come to a Final,
"Determination, and we desire you will Urge this Point, to
"The Proprietors, in the Strongest Manner you can, & that
"you will give, Proper Directions, to the Kings Attorney
"General, to Prosecute such Rioters, as have been appre-
"hended, and lye under Bonds, that appearing to us to be a
"very Proper, & Necessary Measure, if the Colony is in that
"State, of Peace, & Tranquility, as you Describe it to be:

"It gives us great Concern, to find by your Letter of the
"28th¹ of December that any Riots and Outrages, have been
"Committed on Acc^t of the Dispute Between N. York and
"N. Jersey relative to the Line, we think it highly Necessary
"for the Preservation of the Peace, that some Temporary line
"of Jurisdiction, should be Established by His Majestys Au-
"thority, untill The true Line, Properly can be ascertained,
"and we shall shortly take this Matter, into Consideration,
"and lay our Thoughts upon it before his Majesty in the
"Meantime we Earnestly recommend to you, as we have
"Already done to the Governour of New York, to take
"every prudent & legal Method, to Preserve, Peace, and
"Quiet among his Majesties Subjects

I say again as these Matters, so greatly, and so Nearly,
Affect The Weal and Tranquility of this Province, as well as
the Properties of Many of the Inhabitants (& others) I desire
your most Deliberate Consideration of them, and then, to
give me your Answer hereto

Council Chamber

J BELCHER

Nov^r 22^d 1754

Ordered that it be referred to a Committee to Consider of
his Excellencys Speech & make their Report thereon & also
to Enquire what Proceedings have been Concerning the Line
of New York and this Province since The Report of this
Board of the 22^d of August Last

¹ 24th? *Ibid.* 192.

Saturday 23^d Day of Nov^r 1754

Present as Yesterday

In answer to his Excellencys Speech of Yesterday the Committee by David Ogden Chairman Reported as Followeth

May it Please your Excellency.

We having Considered the Matter, Yesterday referred to us by your Excellency are Humbly of Opinion, that, That part of the Letter from the Right Hon^{ble} the Lords of Trade and Plantations, Relating to the Proprietors is Very Proper to be Laid before them, who we Doubt not will give full satisfaction for their Conduct in those Matters

We find by former Minutes of this Board that great care was had to enquire of the Magistrates and other Principal Men Living in the Country where the Chief of the Rioters resided whether Courts for their Tryals could be held with Safety and Whether Judgm^t Against them could be Carried into Execution, who were then of Opinion that Neither Could be done, as the Prosecution against The Rioters at this time by reason of the Disturbances on the line Between New York and us, May be very fatal to the Peace of this Colony in case the Rioters, should again oppose the Authority, we think it most Prudent at Present to omitt ordering Prosecutions ag^t Them, and by the Next Meeting of this Board, we may be informed of their Tempers, and Spirrits, and thereby be better Enabled, to advise Your Excellency thereon

We are heartily Sorry that the Several Steps Taken by your Excellency ; this Board, and the Council, of Proprietors of East New Jersey, with his Hon^r the Lieu^t Governour of New York, his Council, and those Concerned, in that Colony, for Preserving, the Peace, and Setling the line, Mentioned, in the Proprietors Memorial N^o 8 & 15 Untill the true line, should be fixed, by Commissioners, to be appointed by his Majesty, have hitherto proved, altogether ineffectual, we think it very strange, that no reasons, have been Assigned,

to your Excellency, by his Honour M^r De Lancy, why those Proposals were not agreed to, on the Part of New York, we are in hopes no Private Application is making, to the Right Hon^{ble} the Lords of Trade, [and] Plantations, to have a Temporary line Setled to the Prejudice of great Numbers, of his Majesty's Subjects, in this Province, as it w^d Undoubtedly be, in case, a Temporary line, should be fixt, Differing from the line of Observation in 1719

And whereas The Pretences of New York as to the Bounds of New Jersey, on Delaware River, are so Various, as by the New York Attorney's to be pretended, to Little Minisinks Island, above 30 Miles below the Latitude of 41° 40' Discovered in 1719, by the Council of New York, about 50 Miles, below said Latitude, by the Lieutenant Governour of New York, about 80 miles, by the Assembly, of New York, to some place, they know not where, but so that it includes Minisinks, a Country, of Large Extent, Whereof the Greatest Part is in New York, and the Smallest Part of it in New Jersey, which Smallest Part, extends about 50 Miles on Delaware, below the Latitude of 41° 40' Discovered in 1719, And they have, Desired, the Lieutenant Governour of New York, to exercise the Jurisdiction, of New York, as far Southwards as those Bounds, as by their Votes of October 29th & Nov^r 8th last, appears

And whereas by the Memorial, and other Publications, of the Council, of Proprietors, of East New Jersey; long Published, & Particularly by N^o 16, it appears to be Averred, & not hitherto Denied, by New York, that from the Latitude, of 41° 40' Discovered, on Delaware in 1719 Along, a Line, to the Latitude of 41 on Hudsons River, by the Observations of 1719. All the Settlements, South Westwards, of that line were Originally made, under New Jersey Title, and so have been, ever Held, with a very few Exceptions, and for 45 Miles thereof, from Delaware Without any Exception, now, but of Two Plantations, Whereof one was Taken from, the New Jersey Owners, by force, and the Other was Setled but last Year, and for other 16 Miles of the said Line, to wit

abreast of Cheescocks Patent, without any one Exception, which with said 45 Miles Make 61, of the 75 Miles, the whole Length of that Line, and should the Desires of the Assembly of New York, be put in Execution, Many Hundreds, if not Thousands, of Familys, of New Jersey, May be Subjected to New York, to their Utter Ruin, And Whereas The Protection of the People, Settled under, the Jurisdiction of New Jersey Is by his Majestys Commission, Committed to your Excellency and thereby, we Humbly conceive (as far as in your Power is) they ought to receive, that Protection against, the Invasion, Desired as aforesaid. And Whereas we have, great reason to believe, as well from the above Proceedings of New York, as from the Affidavits of Colonell Dekey, of October 24th that one or more Invasions, will Speedily, be upon the People, Settled under & Yielding Chearfull Obedience, to this Province, Southwestwards of the said Line By the Observations of 1719. Wherefore we are humbly of Opinion, that Your Excellency, should Acquaint Abraham Van Camp, Colonell of the Regiment of Militia, and Judge of the County of Sussex, with the Premises, with orders to him, to acquaint all Officers, Civil & Military, Within the said County, with the Same, and that they be Diligent in their Several Duties, for the Protection of the People Settled under, & Yielding Obedience to New Jersey, Southwestwards, of the said Line, by the Observations of 1719 but at the same time that they be Carefull not to Disquiet any Persons, Settled under New York, North Eastwards of the said Line nor Even those, who have Settled South Westwards of the said Line, And do Yield, obedience to New York, tho Within this Province, untill further Orders

And we are further of opinion that your Excellency send To the Lieutenant Governour of New York, a Copy of your Excellencys orders To Colonell Van Camp, hoping that he will give, the Like orders in Orange County And that thereby, the Peace of both Provinces, may be Preserved, which in Our Opinion, according to the advice of the Lords

of Trade, to your Excellency, is the most Prudent & Legal, Method, to Preserve, Peace & quiet Among his Majestys Subjects

Council Chamber at }
Elizabeth Town Nov^r }
23^d 1754 }

By order of the
Committee

DAVID OGDEN

Chairman

Which being read was approved of by his Excellency & this Board

The Hon^{ble} James Alexander Esq^r Withdrew

Then David Ogden Esq^r from the Committee reported as follows

May it Please your Excellency

In obedience to your Excellencys order in Council, referring to us to enquire what Proceedings have been Concerning the Line, of New York and this Province, since The Report of this Board, of 22^d of August last—we find that two Printed Copys of N^o 16 & 17 Annexed, to the Memorial, together with your Excellencys Letter, Accompanying them, were Delivered to his Honour the Lieutenant Governor of New York, on Tuesday the 3^d day of September last, and that the following week, many other Copys were also Delivered, to Several of the Gent. of the Council, and of The Assembly of New York & that no Reply thereto has been Hitherto made

We also find a Report of the Assembly of New York of the 29th of October last, and that they, sent a Messuage, of their Result thereon, to the Lieutenant Governour, of New York, as by the Minutes of the Assembly of the 8th of November, but as we have hitherto declined, Judging anything of the Merits of the Controversy Concerning the Line, we are humbly of Opinion, that those papers, be referred to, the Council of Proprietors, to take such Notice of them as to them shall seem meet: however we beg leave to make this one remark, that the Sundry Pretences of New York, con-

cerning the line have been from Time to Time, Answered by New Jersey, but to any of Those Answers, no replication to our Knowledge, has ever been made, on The part of New York; but many things before fully answered, of New again Advanced, as if they had never received an Answer, and in Particular we remark that the Pretences by N° 1, 2, & 3, in 1719 were in every point Answer'd by N° 4. The Pretences of the Assembly of New York of June 28th 1753 Appearing by Article 38 of the Memorial were Answered by the Memorial, The Pretences of Feb^r 4th last by N° 12 were Answered by N° 13, The Pretences, by the Report, of the Council of New York, of March 4th Last, and of the Lieutenant Governour of New York, of March 15th were in Substance Answered by N° 16, and these are all the Pretences That have to Our Knowledge, been Publickly advanced, by New York, before the 29th of October last, & all Answered but no one reply has been to any one of those Answers, & as to the Report of the Assembly of New York of October the 29th it seems a Compound of the former Pretences, which have been Answered, & it Seemeth Quite Inconsistent with itself, as it avers Minisink, a Place which is well Known to Extend, about 50 Miles Southward of the Latitude of 41° 40, on Delaware to be in New York, & Yet allows the Latitude of 41° 40 to be the Boundary thereof on Delaware, and tho it be Averred by N° 16 & not Denied, that no one Settlement was ever made by New York, in that Small Part of Minisink that is Southwards of the Line, by the Observations of 1719 but all the Settlements There were Originally, made under New Jersey Titles; & that New York Never Acquired Possession of more than four Plantations there, & all those by fraud force or Violence, and three of those have Submitted, and Made Satisfaction, and only Jacobus Swartwoat remains Claiming under New York, who by force Ousted Westfalls, who were possessed as in Articles 16 to 19 of the Memorial.

We shall now say no more on that Part of the Report of

the Committee which we Conceive relates to the merits of the Controversy between the two Provinces, but as Colonell Dekey, thought it Proper unnecessarily to lay before the Committee, & they to report to the House the Subject Matter of a Private Conference, between M^r Alexander & him, very Much to the Disadvantage of the former we thought it our Duty to make a Strict enquiry into the Matters Contained in this Part of the Report, & Accordingly we find by M^r Alexanders Declaration, upon Solemn Oath that he is now about Sixty four Years of Age & that he, about 12 or Fourteen Years ago, began, and has ever since Continued to Enter in a Day book or Journal, the Substance of all such his Transactions, the Remembrance of which he thought Usefull to Preserve—that having had two Several Conferences, wth Tho^s Dekey on the Eleventh & Twelfth Days of September last, he agreeable to his said Custom, as soon as the said Dekey Departed from him, Immediately Minuted in his said Journal the substance of all that he thought Material which had Passed in the said Conferences After Perusing the said Affidavit M^r Alexanders Journal was then, Produced, & Laid before us, and upon inspecting the Entries of the Substance of the said Conferences, which tho, they appear to have been Written as Memoranda for Private use, are Nevertheless Very Legible & fair & Enter'd in the Regular order of time, having Minutes of other Transactions as well, preceeding, as Succeeding, them. We find it appearing by the said Entries, that upon Tho^s Dekeys Proposal of Agreement, M^r Alexander Answer'd that he had no Power to agree with him, but that Richard Gardiner had his Power, & the Power, of the other Proprietors, Concerning their Affairs near the Line of Division, between the two Provinces (which by the way is Clearly Manifested to us to have been true, by Oath made now before us, of the Hon^{ble} And^r Johnston Esq^r President of the Council of Proprietors of East New Jersey) that thereupon Colonell Dekey, requested M^r Alexander to Inform him what Powers Richard Gardiner had & that in Complying with, this request, the Conversation at the first

Conference Chiefly Consisted, that upon Colonell Dekeys Alledging, that the Minisink & Wawayanda Partners, had Lately made application to the Assembly, for the charge of Setling the Line, M^r Alexander answered he Doubted That very much, for that if it was of a piece, with their Late Application To the Lieutenant Governour & Council it was for Money as he Supposed to Defray the Expence, of Batling with New Jersey, & this Expression Possibly might have led, Col^l Dekey into what he has Declared about Fighting for New Jersey; but however that might have been, this is Certain, that Nothing to that Purpose, Neither Threats nor offers Appear in M^r Alexanders Journal Entries, but that on the Contrary M^r Alexander told him that, if the Lieutenant Governour & Council of New York, would recommend it, to the General Assembly to Provide Money, for Defraying half the Charge, of his Majestys Commission to be obtained for Setling the Line, or that if Private Persons would give Security for that Purpose, as requested in the Proprietors Publications by N^o 15 he believed the Proprietors would Consent to stay the Proceedings at Law, to Procure which he would use his Endeavours, & herewith Col^l Dekey's own affidavit of Septem^r 16th (which was laid before the New York Committee of the General Assembly, a Copy whereof we have before us) Doth Nearly Agree, upon which we beg leave to Declare that we are very Sorry That, that part of Colonell Dekeys Affidavit, should so far Escape the Notice of the Committee, as to be left out of their Report, as well because we would have Corroborated M^r Alexanders Journal Entries, as we have discovered the Continuance of his Desire (so often apparent in the Printed Papers) of the Proprietors) to Concert Methods of Peace, & the Speedy Settlement of the Dispute, between the Two Provinces, we are also Sorry That the Report of the Committee should without any Evidence, Insinuate That an Attack upon Colonel Dekey, Mentioned in his Affidavit of Septem^r 24th (a Copy whereof we have also before us) was a Consequence of the Conferences, that had Passed between M^r Alexander & M^r Alex^r who only reads

the Report, of the Committee, where the History of the Conferences, & Attack upon Colonel Dekey, are Connected together, without so much as Declaring even the Dist^o of Time, between those Conferences & that Attack, would be most Untruly Led to believe—we are unwilling to Suppose that the omission of that Part of Dekeys Affidavit, and such Connection of the Conference and Attack were Designed by the Committee, to reflect upon M^r Alexander, but on the Contrary are favourably inclined to believe it was Merely an Accidental Neglect, not only because Colonell Dekey's Second Affidavit (which was also laid before them) gives not the Least Ground for such, Insinuation, but also because, that as Many Gent^l of the General Assembly of New York, have had Copies of the Proprietors Memorial, of the 20th of Nov^r last & of all the 17 papers Annexed, and many other Copies have been Dispersed in that Province, the Committee might have, observed from many of These Papers & Particularly the Articles of 30 & 41 of the Memorial That the said Colonell Dekey was Charged with Roberry & Many other Crimes in New Jersey, long before his Conferences with M^r Alexander, and therefore it was more reasonable & Probable to Suppose, that the Attack upon him was made in Consequence of the Process of the Law, in New Jersey for Apprehending him, which he had hitherto Eluded, than on Account of any Conferences which had between him & M^r Alexander

And lastly because it appears by another Affidavit of the said Tho^s Dekey of the 29th of July last which was also before the said Committee, whereof we have a Copy, that even before that Time which Preceeded the said Conferences Several Months the s^d Dekey "*before he left home was every Night obliged to Nail up all his doors Excepting one at which he placed a Guard for fear of being Surprised in his bed, by the People of New Jersey, who as he had been informed, had Sundry times Declared they were resolved to Take him Prisoner & Carry him into New Jersey.*"

We are also Humbly of opinion, that it is so far from being Candid fair, & Proper to Carry the Private Confer-

rences of Parties opposed to each other in Interest before any Branches of a Legislative body, and afterwards expose them in Print, that we Esteem such a Practice to be ill mannerly ungenerous and of the most Pernicious Consequences, as it tends to Draw the Publick attention from matters of General Importance, to what was said in Private Disputes, & Stops up all the Avenues to Peace & Concord, by Cutting off all Conferences for that Purpose, thro fear that they may be Exposed & Misrepresented which we cannot help observing has already happened in this very case, It being apparent if the Journal Entries are true, (as we believe them to be) M^r Alexanders acquainting Colonell Dekey, that he had no Power to agree with him, but that Richard Gardiner had one, from all the Proprietors is represented as an absolute refusal, by M^r Alexander to Comply with any Amicable Agreement Unless &c & thus also The Terms wth M^r Alexander in Compliance with Dekeys request had acquainted him Richard Gardiner Could agree to give are represented as Terms insisted on by M^r Alexander

We also find by the Journal Entry of the Substance of the first Conference Between M^r Alexander & Col^l Dekey that the latter & Two Gent, who Accompanied him promised that they would endeavour To Prevail with the Lieutenant Governour & Council to recommend to The General Assembly their providing Money to defray half the Charge of a Commission to be obtained from his Majesty for Setling the Line & that they would acquaint M^r Alexander with the Issue of their Attempts, and we also find by the Entry of the Substance of the second Conference which was the 12th of September last, that Colonell Dekey alone returned to M^r Alexander in the Morning & Informed him That they would not agree, to Join in a Commission, & that M^r Dekey talked that there would be Bloodshed and Murders till which he saw no Prospect of Setling & that he parted from M^r Alexander in Seeming great Grief Speaking to this Effect that he could not say but their People were to blame

We are Sorry that in following the Report of the Com-

mittee of The General Assembly of New York, we are Driven to enquire into an Affair, that so little Concerns the Real Matters in Controversy but we thought it our Duty to Guard as much as may be against the Evil, tho we hope undesigned Effects of the report of the Committee of the General Assembly of New York

By order of the Committee

DAVID OGDEN Chairman

Elizth Town Nov^r 23^d 1754

Which being read was Approved of by his Excellency & this board

His Excellency Nominated Robert Ogden & Josiah Broadwell To be appointed Justices of y^e Peace for the County of Essex & Lawrence Lowrance Vanburskerk¹ to be appointed one of the Judges of the County Court for the County of Bergen to which Nominations his Majestys Council advised & Assented

His Excellency by advice of the Council was pleased to Sign The Following Warrants

| | | | | |
|--------------------|--|-----|---|-------|
| N ^o 322 | To himself or order for a Quarters | £ | S | D |
| | Salary as Governour of this Province due the 21 st of November Inst ^l .. | 250 | „ | 0 „ 0 |
| N ^o 323 | To himself or order for a Quarters | | | |
| | house rent due 21 st Nov ^r Inst ^l | 15 | „ | 0 „ 0 |
| N ^o 324 | To Samuel Nevill Esq ^r for a Quarters | | | |
| | Salary as Second Justice of the Supreme Court of this Province for the Quarter ended 21 st Nov ^r Ins ^l ... | 6 | „ | 5 „ 0 |
| N ^o 325 | To Samuel Nevill Esq ^r for his Attendance on the Circuit Courts on two Courts of Oyer & Terminer Viz ^t at Sussex & Summerset in the Months of Aug st & Nov ^r last..... | 20 | „ | 0 „ 0 |
| N ^o 326 | To Joseph Warrell Esq ^r for a Quarters | | | |
| | Salary as Attorney General of | | | |

¹ Lawrence Van Buskerk.

| | | |
|--------------------|--|------------|
| | this Province for the Quarter ended the 21 st of Aug ^r last..... | 7,, 10,, 0 |
| N ^o 327 | To And ^r Johnston Esq ^r for a Quarters Salary, as one of the Treasurers of This Province for the Quarter ended 21 st Nov ^r Instant..... | 10,, 0,, 0 |
| N ^o 328 | To Samuel Smith Esq ^r for a Quarters Salary as one of The Treasurers of this Province for the Quarter ended the 21 st of Nov ^r Ins ^t | 10,, 0,, 0 |
| N ^o 329 | To Richard Salter Esq ^r for a Quarters Salary as one of the Justices of the Supreme Court of this Province due the 21 st of Nov ^r Ins ^t | 6,, 5,, 0 |
| N ^o 330 | To Charles Read Esq ^r for a Quarters Salary as Clerk of the Council of this Province due the 21 st of Nov ^r Ins ^t | 7,, 10,, 0 |
| N ^o 331 | To John Smith for a Quarters Salary as Clerk of the Circuits Due the 21 st of Nov ^r Ins ^t | 5,, 0,, 0 |
| N ^o 332 | To Anthony Elton for a Quarters Salary as Door Keeper to The Council Due the 21 st of Nov ^r Instant..... | 2,, 10,, 0 |
| N ^o 333 | To Courtland Skinner Esq ^r for a Quarters Salary as Att ^r General of this Province for the Quarter ended the 21 st of Nov ^r Ins ^t | 7,, 10,, 0 |
| N ^o 334 | To Abraham Clerk Jun ^r one of the Clerks of the House of Representatives of the General Assembly of this Province for his Attendance at the last Sessions at Perth Amboy also for Copying the Votes &c..... | 12,, 0,, 0 |

A true Copy Examined by

ROBERT OGDEN D_Secretary

At A Meeting of the Governour & Council held at Elizabeth Town The Twenty Second day of January 1755

His Excellency Jonathan Belcher Esq^r Governour &c

Present

The Hon^{ble} James Alexander }
Andrew Johnston } Esq^r
David Ogden }

His Excellency Delivered the Following Speech Viz^t

Gentlemen of the Council the Commands I have lately received from his Majesty in a Letter from Sir Thomas Robinson one of his Majesty's Principal Secretary's of State Dated White Hall October 26th¹ has been the Principal Reason of my Calling you Together at this time, and which letter I now Communicate to you wherein you will find the King expects the Assembly of the Province should meet upon the Extraordinary Occasion Mentioned in the said Letter I therefore desire you well to Consider the Contents of this Letter and to give me your advice and opinion whether it may not be absolutely Necessary to see the Assembly here as soon as Possible for the low State of my Health will by no means allow me to go from home

I now also lay before you a Letter I have received from the Governour of New York of the 6th Instant with Sundry papers relative to the Disputed Line between this Province and that of New York which you will Consider and give me your advice upon them that I may return a proper Answer thereto

Elizabeth Town,
Jan^y 22, 1755

J BELCHER

His Majesty's Council having taken into Consideration his Excellency's Speech Were of opinion (that Considering the

¹ Circular addressed to the Governors in North America, urging enlistments in four new regiments to be raised. See N. J. Archives, VIII., Part I., 17.

low state of his Excellencys Health) that it was absolutely Necessary to call the Assembly to meet here to which they advised,

At a Council held at Elizabeth Town in the Province of New Jersey On Tuesday the 25th day of February 1755

Present

His Excellency the Governour

| | |
|--|--------------------|
| The Hon ^{ble} James Alexander | } Esq ^r |
| Andrew Johnston | |
| David Ogden | |

His Excellency laid before the Council a Letter Dated 6th of January last From the Honorable James Delancy Esq^r Lieutenant Governour of New York with Sundry papers relative to Dispute in the Bounds Between this province and the Province of New York

Also a petition from M^r John Stevens and M^r James Parker And Sundry affidavits respecting a riot lately Committed in the County of Hunterdon and setting forth the Danger of More riots unless the Government Interposes their Authority and desired they would Consider of the Same

At a Council held at Elizabeth Town on Saturday March 1st 1755

Present

His Excellency the Governor

| | |
|--|--------------------|
| The Hon ^{ble} James Alexander | } Esq ^r |
| Andrew Johnston | |
| Peter Kemble | |
| Richard Saltar | |
| David Ogden | |

The Gentlemen of the Council returned an Answer to His Excellency respecting the Petition and Affidavits referred to them on the 25th Ultimo in the following Words

May it please your Excellency

In obedience to your Excellencys Order in Council of the 25th of February last laying before us the Petition of John Stephens and James Parker and also Several Affidavits relating to the late great riot Committed in the County of Hunterdon we have Considered the same and are of Opinion that it will be proper for your Excellency also to lay the Several Papers before the house of Representatives for this Colony now Sitting that all the branches of the Legislature may Unite in Measures to Suppress all such open and daring attempts to Subvert the laws of this Province and bring such delinquents to receive punishment Adequate to their Crimes whereof we humbly make this our report to your Excellency.

His Excellency laid before the Board A Patent for Erecting a Township in Hunterdon by the name of Hopewell which the Council advised his Excellency to grant

At a Council held at Elizabeth Town Monday March 3^d
1755

Present

His Excellency the Governour

| | | |
|--|---|------------------|
| The Hon ^{ble} James Alexander | } | Esq ^r |
| Andrew Johnston | | |
| Peter Kemble | | |
| Richard Saltar | | |
| Thomas Leonard | | |
| David Ogden | | |

A Petition from the Judges of the County Court of Gloster and The Practitioner of Law Praying that the Courts for the future may be held in that County on the

1st Tuesday in April

The 2 Tuesday in June

The 3 Tuesday in September &

The 3 Tuesday in December

To which the Council Assented And that an Ordinance under the Great Seal Issue Accordingly

A Petition from William Shippen of Philladelphia for a Patent for a Ferry at the foul Reef on Delaware and two Miles above and below the Same was Read and the Granting of the Patent as Usual in Such Cases Assented to

His Excellency Nominated John Hart¹ to be a Justice of Peace of the Quorum in the County of Hunterdon, also Andrew Read to be A Judge of the Pleas, and George Reading and John Opdike to be Justices Of the Peace in said County Joseph Higbee and Robert Johnston to be Coroners of the said County

Also Nominated John Imlay to be a Justice of the Peace in the County of Burlington and that Henry Paxson & Joshua Bispham be of the Quorum in said County

And that the Following Persons be appointed Justices in Salem Nathaniel Chamnis, Jacob Richmond, Isaac Thompson, Elisha Basset and Samuel Lynch

To all which the Council Assented

His Excellency by advice of the Council Signed The Following Warrants

3^d of March 1755

| | | | | |
|--------------------|--|-----|---|---|
| N ^o 335 | To himself for a Quarters Salary as | £ | S | D |
| | Governour of This Province due | | | |
| | the 21 st day of February 1755..... | 250 | 0 | 0 |
| N ^o 336 | To Himself for a Quarters House | | | |
| | rent due 21 st Feb ^r 1755..... | 15 | 0 | 0 |
| N ^o 337 | To Samuel Nevil Esq ^r for a Quarters | | | |
| | Salary as Second Justice of this | | | |
| | Province due 21 st of February | | | |
| | 1755 | 6 | 5 | 0 |
| N ^o 338 | To Richard Saltar Esq ^r for a Quarters | | | |
| | Salary as one of the Justices of the | | | |
| | Supream Court of this Province | | | |
| | due 21 st of Feb ^r 1755..... | 6 | 5 | 0 |

¹ A signer of the Declaration of Independence. See History of Somerset and Hunterdon Counties, 256.

| | |
|---|-------------|
| N° 339 To Courtland Skinner Esq ^r for a Quarters Salary as Attorney Gen- eral of this Province due 21 st of February 1755..... | 7 „ 10 „ 0 |
| N° 340 To Samuel Smith Esq ^r for a Quarters Salary as one of the Treasurers of this Province due 21 st of February 1755 | 10 „ 0 „ 0 |
| N° 341 To Andrew Johnston Esq ^r for a Quarters Salary as one of the Treasurers of this Province due 21 st of Feb ^r 1755..... | 10 „ 0 „ 0 |
| N° 342 To Charles Read Esq ^r for a Quarters Salary as Clerk of the Council of this Province due 21 st of February 1755 | 7 „ 10 „ 0 |
| N° 343 To John Smith for a Quarters Salary as Clerk of the Circuits due 21 st of Feb ^r 1755..... | 5 „ 0 „ 0 |
| N° 344 To Anthony Elton for a Quarters Salary as Doorkeep ^r to the Council due 21 Feb ^r 1755..... | 2 „ 10 „ 0 |
| N° 345 To Samuel Nevil Esq ^r for Holding a Court in November last at Mon- moth of Oyer & Terminer & Nisi Prius | 10 „ 0 „ 0 |
| N° 346 To David Ogden Esq ^r or order for 31 days attendance in Council at a Session of General Assembly at Amboy in October last and this Sessions | 9 „ 6 „ 0 |
| N° 347 To Andrew Johnston Esq ^r for 35 Days as above..... | 10 „ 10 „ 0 |
| N° 348 To Peter Kemble Esq ^r for 33 Days as above..... | 9 „ 18 „ 0 |
| N° 349 To Richard Saltar Esq ^r 21 Days as above | 6 „ 6 „ 0 |

| | |
|---|------------|
| N° 350 To Thomas Leonard Esq' 24 Days as above | 7 „ 4 „ 0 |
| N° 351 To Nathaniel Davis Door Keeper of the Assembly for 11 Days attend- ance at this Session at Elizabeth Town | 1 „ 18 „ 0 |

His Excellency also laid before the Board a Petition from Wm and Thomas Cox referred to further Consideration

The Council beg leave further to Consider the Lords of Trades Letter about prosecuting the Rioters as it is a Matter of Great Importance to the Peace of this Province.

A Petition from the inhabitants of Lebannon to be erected into a Township by the Name of Tewksbury with the usual Privileges According to Law was read the Board Advise the Granting the said Patent.

A Letter from Sir John S' Clair Deputy Quarter Master General of his Majestys Forces in America Dated at Williamsburg January 14th 1755 was referred to this Board also his Excellency's Answer thereto.

This Board is of opinion that his Excellencys Answer thereto is as full as can be furnished

The Charters for Incorporating the Presbyterian Congregations of Hunterdon.

One Also at Woodbridge

Another at Brunswick referred to the next Meeting

At a Council held at Elizabeth Town Tuesday March The 4th 1755

Present

His Excellency Jonathan Belcher Esq'

| | |
|--|--------|
| The Hon ^{ble} Andrew Johnston | } Esq" |
| Peter Kemble | |
| Thomas Leonard | |
| Richard Saltar | |
| David Ogden | |

Thomas Leonard Esq^r Chairman of the Committee to whom the reference was made on the Twenty fifth of Feb^r last reported as follows

May it please your Excellency

In obedience to your Excellencys Order in Council of the Twenty fifth Day of February last referring to us a Letter from the Hon^{ble} James Delancy Esq^r Lieutenant Governour of New York to your Excellency of the Sixth of January last with the Printed reports of the Council of New York of the fourth day of March and Seventeenth of December 1754 and Sundry other Papers mentioned in the Said Letter Concerning the Bounds Between this Province and New York, which Letter and Papers seem to us to require much longer time to Consider than we Could spare at this Meeting while the Affairs of the Legislature here Necessarily required our Attention Wherefore We beg leave to delay making any Report of our opinion thereon to your Excellency Untill we have Maturely Considered them.

In the meantime we beg leave to observe to your Excellency that the said Report of the Council of New York mentions it to be made upon a Reference to them of the reasons offered by M^r Alexander for his Dissent to their said Report of March 4th as well as of Sundry other Papers therein Mentioned which they had duely Weighed and Considered a Copy of which Reasons for M^r Alexanders Dissent we find that his Honour by his Letter of March 15th 1754 Signified he would Transmit to your Excellency with the report thereon but do not find the said Reasons mentioned in the said letter of January the 6th nor any Copy of it Among the said Papers referred to us, Wherefore we have otherways obtained A Copy of the said Reasons and think them very Material to be Considered and referred to in Making our Answer to the said two Reports. We have obtained also a Copy of a Petition of Thomas Dekey to the Lieutenant Governour of New York of November The 28th last with a Minute of the Council of New York thereon of November

the 30th which Petition and Minute we think may be also proper to be Considered and Referred to in making our Answer to the said two Reports Wherefore we are Humbly of opinion they be Printed and Published forthwith together with so much of this as relates thereto.

By order of the Committee

THOMAS LEONARD Chairman

Elizabeth Town March 4th 1755

Which being read was Approved of by his Excellency and this Board

His Excellency laid before this Board the Draft of a Proclamation which he proposed to Issue in order to Preserve the Peace of the Province which being read and Considered the board Advisd his Excellency to Issue the same which is as follows.

By His Excellency Jonathan Belcher Esq^r Captain General Governour and Commander in Chief in and over his Majesty's Province of Nova Cæsarea or New Jersey & Territories thereon Depending in America Chancellor and Vice Admiral in the Same &c

A Proclamation

Whereas it has appeared to me and his Majestys Council and General Assembly of this Province that on the Tenth of February last a Notorious Riot was Committed on the Tract of Land Called the Society in the County of Hunterdon (by Sundry persons Chiefly Foreigners living in that County and using many Threats against Many of his Majesty's Leige Subjects and that divers of them gather together to oppose the officers of the Government and place a Confidence in the Numbers they pretend will Espouse their wicked and Daring attempts and protect them in Defiance of the Wholesome and good Laws of the Land I have therefore thought fit by and with the advice of his Majestys Council and the desire of the General Assembly of this Province to Issue this Proclama-

tion hereby Strictly Commanding all Magistrates of the said County of Hunterdon diligently to enquire and discover the persons guilty of the said Riot and bring them to Condign Punishment by due Course of Law, and the Sheriff, Justices of the Peace, Constables and all other officers Majisterial and Ministerial in the said County of Hunterdon, are hereby Strictly Charged and Commanded in their Several Stations to be diligent in apprehending Rioters and Preventing and Suppressing Riots in the said County of Hunterdon for the future, and in Particular the Sherif Of said County is directed if need be [to] raise the Power of his whole County for Suppressing all Riots for the future and for apprehending the Rioters & Further that The Colonel Lieutenant Colonel Major or any of the Captains of Militia of the Said County on Notice from the Sheriff or other Civil officer of a Riot Committing or intended to be Committed shall immediately March such part of the Regiment or Company as Shall Effectually Suppress the Same and Protect the Civil officers in the Execution of their Respective Duties and all his Majesty's Leige Subjects of the said County are hereby Strictly Charged and Commanded to be Aiding & Assisting to the said Officers in the Execution of their Duty (in and about

the Premises) Given under my hand
 By his Excellencys and Seal at Arms at Elizabeth Town
 Command the fourth day of March in the
 CHA' READ Secret^r Twenty Eighth Year of the Reign of
 Our Sovereign Lord George the Sec-
 ond by the Grace of God of Great Britain France and Ire-
 land King Defender of the Faith &c and in the Year of our
 Lord One Thousand Seven Hundred and fifty five
 (God save the King)

J BELCHER

Ordered that the Same be Translated into the German Language & Printed with with the Votes of the house of representatives and that the Sherriff of the County of Hun-

terdon take Care to disperse the Same so as that it may take its utmost Effect.

A Petition from the Mayor Recorder Aldermen and Commonalty of the City of Perth Amboy to his Excellency Praying that the time of Electing of Aldermen and holding the Spring fair may be alter'd from the first Tuesday in May to the first day of May, the Council Assented to the Alteration.

Ordered that the said Alteration be made and the Charter be retouched by the Great Seal

The foregoing is a true Copy of the Minutes of the Council

March 8th 1755

Compared by

ROBERT OGDEN D Secre^r

The Proceedings of *Council* at a *Sessions* of the *General Assembly* begun at Elizth Town

Monday the 24th day of *February* 1755

The House Met

Present

The Honourable James Alexander

Andrew Johnston

David Ogden

} Esq^r .

His Excellency came into Council and having by the Deputy Secretary required the attendance of the house of Assembly they attended when his Excellency was pleased to make the following Speech to both Houses

Gentlemen of the Council and of the General Assembly

Nothing less than his Majesty's Commands in a Letter I have received from Sir Thomas Robinson (since our last sitting) One of His Majesty's Principal Secretaries of State Dated White Hall October 26th 1754¹ Could have prevailed

¹ See N. J. Archives, VIII., Part I., 17.

upon me to Summon you to meet me at this time Considering the Season and the Difficulty of the Roads.

Nor could anything but the weak State of my health [have] Prevented my meeting you at Burlington (or Perth Amboy)

That you may have the Clearest Views of his Majestys Paternal care and Goodness for the Safety and Wellfare of this Province (as well as of those of Our Neighbours) I shall order The Letter above mentioned to be laid before you and therein you will find his Majesty Particularly expects from you and that without any Delay Viz^t

“That you should carefully Provide a Sufficient Quantity of fresh Victuals at the expense of Your Government to be ready for the use of the Troops at their Arrival.

“That you should Likewise furnish the Officers who may have Occasion to go from Place to Place with all Necessaries for Travelling by Land; and that there be care taken for Quartering the Troops Providing all Necessaries for such forces as shall arrive or be raised within your Government and that his Majesty will Expect that the Charge thereof be defrayed by his Subjects belonging to the Same, and as to other Articles you will use your Utmost endeavours to induce the Assembly of Your Province, to raise forthwith as Large a Sum as can be afforded, as their Contribution to this Common Fund, to be employed Provisionally for the Service of North America Particularly for paying the Charge of Levying the Troops to make up the Complement of the Regiments.

The Arrival of his Majesty's General and Commander in Chief of the forces now raised and raising is daily expected together with the Regiments from Ireland and New England at Virginia for immediately Prosecuting from thence his Majesty's Royal Orders in the Present Exigency of Affairs.

Gentlemen of the General Assembly

Having laid these things before you, and that most of the Neighbouring Governments have raised Proportionable Sums

for aiding and Assisting in the Present Expedition against the French and Indians I shall not doubt your now raising such a Sum of Money as his Majesty may Justly & reasonably expect from you, and to be done with the Greatest Dispatch as being what you will See the Nature of the Case absolutely requires. As the Lives Libertys Civil and Religious and the Properties of the People of this Province are greatly in Danger at this Critical Conjunction I have reason to believe that your Chearfully falling into your Duty to the King for the Safety of his Subjects here will be very Acceptable to your Constituents

Notwithstanding the Answer you gave me the Last Session respecting the Militia Act, Yet I must subjoyn to the Aforegoing Article that I think it absolutely Necessary for the Kings Service and for the Safety of the good People of this Province that the Militia Act be well revised and bettered by raising the fines for Non appearances of the Private men, for upon the General Muster (which I lately ordered) The Officers have made Complaints to me that the fines are so low as that Considerable Numbers will not attend their Duty as also that the Musters by Law being so seldom the men are very Ignorant in the Exercise of Arms, so that the Yearly Musters ought to be at Least Doubled, and it would be well to enquire whether the Act may not also be made better for Obliging the Officers of the Several Regiments to the more Strict Compliance with their Duty.

As the Militia of the Province is (under God) the only defence we can make upon an Attack from the enemy, I think this Article is of great Importance to the Quiet & Safety of the Province, and to be taken (without Delay) into your Mature Deliberation

Gentlemen of the Council and of the General Assembly

After your having fully gone thro these affairs if you have any Thing to lay before me for his Majesty's Service and the benefit of the Province I shall Chearfully attend to it or

otherwise give you a recess to such time as may be most Convenient for Your Meeting again.

J. BELCHER.

The House Continued till the 26th

Present

| | |
|--|--------------------|
| The Hon ^{ble} James Alexander | } Esq ^r |
| Andrew Johnston | |
| Peter Kemble | |

A Message from the Assembly in the following Words

Assembly Chamber Feb^r 26 1755

Ordered

That M^r Hancock and M^r Stephens do carry to the Council for their Concurrence the bill Intituled an act for making Provision for the Subsistance of his Majesty's forces during their March thro this Colony and for Providing Carriages for Transporting their Baggage

By Order of the General Assembly

ABR^a CLARK JUN^r Clk

Ordered that the said bill be read the first Time

Which bill was read the first time and ordered a Second reading

The house Continued till the 27th

Present

| | |
|--|--------------------|
| The Hon ^{ble} James Alexander | } Esq ^r |
| Andrew Johnston | |
| Peter Kemble | |
| David Ogden | |

The bill Entitled an Act for making Provision for the Subsistance of his Majesty's forces during their march through this Colony &c was read a Second time & Committed to the Gentlemen of the Council or any three of them

The House Continued till the 28th

Present

| | |
|--|--------------------|
| The Hon ^{ble} James Alexander | } Esq ^r |
| Andrew Johnston | |
| Peter Kemble | |
| Richard Saltar | |
| David Ogden | |

A Message from the Assembly in the following Words

Assembly Chamber Feb^y 28 1755

Ordered

That M^r Read and M^r Miller do Carry to the Council for their Concurrence the Bill Entitled an Act to Prevent the Exportation of Provisions Naval or Warlike Stores from the Colony of New Jersey to Cape Breton or to any other The Dominions Setled by the Subjects of the French King

By order of the General Assembly

ABRA: CLARK JUN^r Clk

Ordered

That the said bill be read the first time

The said bill was read the first time and ordered a Second reading

The house Continued till 28th P M

Present [as] in the Forenoon

The bill Entitled an Act to Prevent the Exportation of Provisions Naval Or Warlike Stores from the Colony of New Jersey to Cape Breton or to any other the Dominions setled by the Subjects of the French King was read the Second time and Committed to the Gent of the Council or any three of them.

The House Continued till 1st of March

Present

| | |
|--|--------------------|
| The Hon ^{ble} James Alexander | } Esq ^r |
| Andrew Johnston | |
| Peter Kemble | |
| Richard Saltar | |
| David Ogden | |

M^r Kemble Chairman of the Committee to which was referred the Bill Entitled an Act for Making Provision for the Subsistance of his Majesty's forces during their March thro this Colony &c

Reported that the Committee had Considered the same and had ordered him to report the same without Amendment.

Ordered the said bill to be read the third time

Then the said bill was read the Third time and upon the Question put whether the same should pass it was Carried in the Affirmative to which M^r Alexander and M^r Ogden Dissented.

M^r Alexander Delivered the reasons of his Dissent as follows 1st For that he humbly Conceives that all the Executive parts of the Government do belong to his Majesty to be Executed here by his Representative his Excellency the Governour of This Province or such as his Excellency does or shall appoint but here by this bill Commissioners are appointed without any Notice taken of his Excellency's prior appointment of them and as the bill took its rise in the house of Assembly its to be presumed they were appointed by that house, and by so appointing without the prior appointment of his Excellency signified by the Bill he humbly Conceives that, that, house has thereby Assumed upon themselves that part of his Majesty's right and Prerogative.

2^{dly} For that by his Majesty's Commission and Instructions to his Excellency all Publick Moneys are to be drawn for by Warrant from his Excellency the Governour by and with the Advice and Consent of his Majesty's Council but by this Bill the Money therein Mentioned is to be paid out without any

Warrant but upon the Receipt of any one of the Commissioners.

3^{dly} for that by his Majestys said Commission and Instructions he believes, at Least Reason Dictates that all Publick Moneys ought to be Accounted for as well to his Excellency and the Council of this Province as to the General Assembly but by this bill the Commissioners are obliged to Account to the General Assembly only which he humbly Conceives is a further Usurpation of the Executive part of this Government.

The said Alexander admits that the presidents¹ where Money is given by the Several Late Acts since 1740 for the Expeditions to the West Indies and to Canada and for Provisions to Cape Breton were all Nearly in the form of this Bill in the Several Points objected to. But he humbly Conceives that those presidents Ought to be of no Weight for he has reasons to believe that those objections were Privately made to all of them by the Councils who passed them, and endeavours were by them used for the Amendment of them by the Assembly and found that if they would not Pass them in that form that the Assemblys would have given no moneys for those Purposes so that Either those Services were to be unprovided for or those Acts passed as they were, the last of Which they thought the least Evil

JAMES ALEXANDER

March 1st 1755

Ordered that the Speaker do Sign the said Bill

Ordered that M^r Kemble do acquaint the Assembly that this house have past the said Bill without Amendment

M^r Kemble Chairman of the Committee to which was referred The Bill Entitled an Act to Prevent the Exportation of Provisions Naval or Warlike Stores from the Colony of New Jersey to Cape Breton or to any other the Dominions Settled by the Subjects of the French King

Reported that the Committee had gone through the same

¹ Precedents.

and made Sundry Amendments thereto which he read in his place and were again read and approved of

Ordered that the said Bill with the Amendments be read the Third Time, which bill with the Amendments being read the Third time On the Question

Resolved that the said Bill as Amended do pass

Ordered that the Speaker do Sign the said bill and Amendments

Ordered that M^r Kemble do Carry the said Bill and Amendments to the House of Assembly and and desire the Concurrence of that house to said Amendments

M^r Kemble reported that he had obeyed the orders of the house of this day

The house Continued till 2 P. M

Present

| | |
|--|--------------------|
| The Hon ^{ble} James Alexander | } Esq ^r |
| Andrew Johnston | |
| Peter Kemble | |
| Richard Saltar | |
| David Ogden | |

A Message from the House of Assembly in the following Words

Assembly Chamber March 1st 1755

Ordered That M^r Dehart and M^r Leaming do Carry back to the Council the re'engrossed Bill Entitled an Act to Prevent the Exportation of Provisions Naval or Warlike Stores from the Colony of New Jersey to Cape Breton or to any other the Dominions Setled by the Subjects of the French King and inform them that this house have agreed to their Amendment to the said Bill

By order of the House

ABRA. CLARK JUN^r Clk

The Re'engrossed bill being Compared with the Amendments ordered that the Speaker do Sign the Same

The House Continued till

Monday March 3^d 1755

Present


| | | |
|--|---|------------------|
| The Hon ^{ble} James Alexander | } | Esq ^r |
| Andrew Johnston | | |
| Peter Kemble | | |
| Thomas Leonard | | |
| Richard Saltar | | |
| David Ogden | | |

His Excellency came into the Council Chamber and having by the Deputy Secretary informed the house of Assembly that he was in the Council Chamber ready to receive the address of the said house the Speaker and the house of Assembly attended and Delivered their Address in the following words.

May it please your Excellency

We his Majesty's most Dutifull and Loyal Subjects the Representatives of the Colony of New Jersey in General Assembly met having taken the Matters recommended in your Excellencys Speech into Consideration are fully Convinced of the Necessity your Excellency was under of Convening us together at this time, tho the inclemency of the Season and other Difficulties has made it a Task that we should have Chose to have AVoided if it could have been done without Prejudice to the Service recommended in Sir Thomas Robinsons Letter

That part in particular which seems to require the Providing of Carriages and Neccessaries for such forces as shall arrive within this Government appearing to us of immediate Necessity we have passed a Bill for Providing a Sum which by the Calculation we have made will be fully Sufficient for the Subsistance of such of his Majesty's regular forces with their baggage and the Necessary Carriages as can be expected to pass through this Province whilst on their march within the same



With regard to the other particulars mentioned in Sir Thomas Robinson's Letter it is known to your Excellency that at the late Sitting in October last at Perth Amboy A Bill was agreed on by this House for Providing the Sum of £10,000 for his Majesty's Use on that Occasion which Could not be known in England at the time of Writing the said Letter it being Dated in the same Month & as the said bill was very soon after the said Sessions ended Transmitted for his Majesty's Royal Approbation, we are not without hopes it has had the Desired Success before this time and that we Shall thereby be able to answer our full proportion of the Money that will be Necessary on the Present Exigency. This with the unanimity and Dispatch with which it was Accompanied we hope will be a Prevailing reason with Your Excellency to believe our Intentions hearty in the Service and that While we are Waiting a few weeks for the Necessary means to make our Endeavours the more effectual we shall not be thought to have any Latent reserves inconsistent with the design

The Militia bill was at the Last Sitting on your Excellency's recommendation fully Considered and thought by the House Sufficient to answer the Design intended by it, but as your Excellency was Pleased to recommend it to us again we have now reconsidered the same and are still of opinion it is Sufficient to Answer what is proposed by it

Having gone through the affairs your Excellency has recommended and such other Matters as we esteemed of immediate importance we know of Nothing else Sufficient to detain us at this time. Our Meeting at this place Contrary to the Established Practice of the Government, is such an infringement on our Rights that Nothing but Your Excellency's Declining State of Health and the Necessity of the business we have done can Justify us to our Constituents for attempting (by any act of Ours) to alter a Custom that our Ancestors have thought Necessary to Establish as one of the Fundamentals of this Government

ROBERT LAWRENCE Speaker

Several of the Members being of the
 People Called Quakers Agree to The
 substance of this Address with Their
 Usual Exception to the Stile

After which his Excellency Directed the Secretary to inform the house of Assembly that it was his Pleasure that the General Assembly Adjourn them Selves to meet at Perth Amboy on Wednesday the 16th Day of April Next

Compared with the Journals of the Council of Which this a True Copy

ROBERT OGDEN D Secre^r

March 8th 1755

A Journal of the Proceedings of Council at a Session of the *General Assembly* Begun at Elizabeth Town on Friday the 1st day of *August* 1755.

The House Met

Present

His Excellency Jonathan Belcher Esq^r Governor

| | | |
|-----------------------------------|---|------------------|
| The Honb ^{le} James Hude | } | Esq ^r |
| Peter Kemble | | |
| Andrew Johnston | | |
| Richard Saltar | | |
| David Ogden | | |

His Excellency came into Council & having by the D: Secretary Commanded the Attendance of the House of Assembly They Attended when His Excellency was Pleased to make the following Speech¹ to Both Houses

Gentlemen of the Council & of the General Assembly

Upon the Advices I have lately received of an Action between the Kings Troops under the Command of the Late

¹ Printed in N. J. Archives, VIII., Part II., 119.

Brave General Braddock and a Body of French & Indians, on the Banks of the River Monongahela and upon which the English Troops have been Obliged to retreat; I Say this Extraordinary Event has been the Reason of my Calling You together Something Sooner than I Intended. The Accounts of this Matter have Been very Various But the most Authentick is a Letter from M^r Orme Aid du Camp to General Braddock, wrote to Governor Morris of Pennsylvania which shall be Communicated to You and as this Matter may produce fatal Consequences to this & the Neighbouring Provinces I have thought it Necessary, that this whole Legislature shou'd enter into the Earliest & most Sedate Consultations for Preventing the Evils that may accrue and to do all in our Power for The Best Defence & Safety of this Province, and those of our Neighbours. And Before I Leave this Subject You will give Me Leave to Recommend to You, the Passing of a Bill for Restraining the Exportation of Provisions, & Warlike Stores, out of this Province for Some reasonable time

I think it is Storied of the Pelican, that she Sucks out her own Blood to Nourish and Support her Young; An Uncommon Stargee¹ in Nature, & in a Good Degree a fine Pattern of Imitation for all true Fathers & Lovers of their Country. How Unnatural a Perfidy is it then, for any Persons or People from a Voracious thirst after filthy Lucre to be supplying their Enemies, with Food & Raiment & Warlike Stores thereby to enable them to subsist & to Be continually annoying their Neighbours who thus Supply them? And if I am rightfully informed This has been the Case too often of Some of our Neighbouring Provinces in Supplying the French in the Manner I have Mentioned, or many of their Settlements must have been Broke up Long ago; & altho We have Certain advice of a Large Fleet of French Ships & Land Forces, arrived at Cape Breton & at Canada Yet we are at the Same time Inform'd that they are in great Streights as to

¹ Storge—Στοργη.

Provisions ; We Shall therefore Honour ourselves in Passing Such an Act, as I have Mentioned, which may Greatly distress the Enemy and have a good Tendency to the Better Safety of all the English Colonies.

Gentlemen—I have Lately received a Letter from M^r Dinwiddie Governor of Virginia, relating to the Arms¹ with which he Supplied us, as also a Letter from Coll Peter Schuyler respecting the Troops of this Province under his Command, Both which Letters I shall Order to be Laid before You, that you may do upon them, what may be Necessary in Support of the Honour & Justice of this Government.

Gentlemen of the General Assembly

As the Raising of Monies for defraying all the Past Charge, of what has Lately Been thought Necessary and Expedient to Be done, together with the Usual Support of the Government belongs to you to begin upon, I shall not doubt your giving the Best Dispatch to what Most Properly Originates at Your House.

Gentlemen of the Council & of the General Assembly

If You can think of anything else for advancing the Kings Honour & Interest, & the Weal & Prosperity of New Jersey, I shall upon Your Suggesting it to me chearfully Promote it to the Utmost of my Power

J BELCHER

Eliz^a Town Council Chamber

August 1st 1755

The Assembly Withdrew

Then the Secretary By His Excellency's Orders Published an Adjournment under the Great Seal of the Province Whereby the General Assembly were Adjourned to meet at Perth Amboy on the Morrow

¹ See Collections of the Virginia Hist. Soc., New Series, IV., 44.

Saturday August 2^d

The House met according to Adjournment

Present

| | | |
|-----------------------------------|---|------------------|
| The Honb ^{le} James Hude | } | Esq ^r |
| Andrew Johnston | | |
| Peter Kemble | | |
| Richard Saltar | | |
| David Ogden | | |

The House continued till

Monday August 4th

The House Met Present

| | | |
|--|---|------------------|
| The Honb ^{le} James Alexander | } | Esq ^r |
| James Hude | | |
| Andrew Johnston | | |
| Peter Kemble | | |
| Richard Saltar | | |
| David Ogden | | |

The House Continued till

Tuesday August 5th

The House Met. Present

| | | |
|--|---|------------------|
| The Honb ^{le} James Alexander | } | Esq ^r |
| James Hude | | |
| Andrew Johnston | | |
| Peter Kemble | | |
| Richard Saltar | | |
| David Ogden | | |

The House Continued till

Wednesday August 6th

The House met. Present

| | | |
|--|---|------------------|
| The Honb ^{le} James Alexander | } | Esq ^r |
| James Hude | | |
| Andrew Johnston | | |
| Peter Kemble | | |
| Richard Saltar | | |
| David Ogden | | |

The House Contin^d till

Thursday August 7th

The House met. Present the same

The Secretary By His Excellency's Orders Publish'd an Adjournment under the Great Seal of the Province whereby the General Assembly were adjourn'd to meet at Perth Amboy on the Morrow.

Friday August 8th 1755

The House Met According to Adjournment

| | | |
|--|---|------------------|
| Present | | |
| The Honb ^{le} James Alexander | } | Esq ^r |
| James Hude | | |
| Peter Kemble | | |
| Andrew Johnston | | |
| Richard Saltar | | |
| David Ogden | | |

The Secretary By His Excellencys Orders published an Adjournment under the Great Seal of the Province, Whereby the General Assembly were adjourn'd to meet at Elizabeth Town on the Morrow

Saturday August 9th

The House Met according to Adjournment

Present

| | | |
|--|---|------------------|
| The Honb ^{le} James Alexander | } | Esq ^r |
| James Hude | | |
| Andrew Johnston | | |
| Peter Kemble | | |
| Richard Saltar | | |
| David Ogden | | |

A Message from the House of Assembly Viz^t

Ordered That M^r Ladd & M^r Vangeson do Carry to the Council for their Concurrence the Bill entitled an Act to enable the Owners of some Meadows & Marshes at Elsonborough in the County of Salem to Keep out the Tide & which was read a first Time & Ordered a Second Reading.

A Message from the House of Assembly Viz^t

Ordered That M^r Ladd & M^r Vangeson do Carry to the Council for their Concurrence the Bill Entitled an Act to enable the Owners of Two several Tracts of Tide Meadow & Marsh Lying & Adjoyning on the North Side of Cohansey Creek & which was read a first Time & Ordered a second Reading.

His Excellency Came into Council & having by the Clerk of the Council Commanded the Attendance of the House of Assembly, They Attended when His Excellency was Pleased to Make the following Speech

Gentlemen of the Council & of the General Assembly

Since the Opening of this Session By my Speech of the 1st Instant I have received a Letter from Governor De Lancey of New York with several Papers enclos'd of Great Importance to this & all the English Colonies in N: America & these things the Secretary shall deliver You.

As the Province of Massachusetts are raising with all Expedition five hundred fresh Recruits & New York four hundred I am fully of Opinion the Best aid & Assistance we of this Province can give will Be in the raising as many Men as We Possibly can & to send them with the Greatest Dispatch to Join Coll Schuyler's Regiment under the Command of General Shirley.

We must not sink under the Gloom of the Late Unhappy Event. But as Becomes true English Men our Spirits must rise with our Difficulties & We must Make the More Strong & Vigorous a Push to emerge out of them

Upon reading the Governor of Nova Scotia's Letter to the Governor of the Massachusetts I think it my Duty to repeat and press upon You the passing of a Law without Delay in strict Prohibition of Provisions of any kind from this Province for three Months to come; The Act to be so restricted & Qualified as may Be the Least Detrimental to ourselves or Our Neighbours. For altho the Governor may issue Proclamations of Embargo, Yet it is the Legislature only that Can impose Mulcts & Fines on such Offenders as shall Presume contrary to Nature & Reason to Supply our Enemies with Provisions and thereby Prevent their falling a Prey into our Hands

Although I have once & again recommended to You the revising & amending the Militia Act, Yet I must Again recommend it to your Serious Consideration as a thing absolutely necessary to defend and Save the Poor People of this Province on the Frontiers from the Merciless Depredations & Cruelties of the French & Indians: For as We have no regular Troops we have (under God) no Force or Hope But what We may Expect from the Militia of the Province and it ought therefore to be put under a better Regulation than it might Be on a Common Occasion

Gentlemen, as anything New Comes to my Hands I Shall Be Communicating it to You and I Pray God to direct you in Your Deliberations into the Best Measures for Lengthen-

ing out the Welfare and Prosperity of the Good People
under our Care

Eliza: Town Council Chamber }
August 9th 1755 }

J BELCHER

The Assembly withdrew

The Secretary By His Excellency's Orders Published an
Adjournment under the Great Seal of the Province Whereby
the General Assembly were Adjourned to meet at Perth Am-
boy on Monday next

Monday August 11th

The House Met according to Adjournment

Present

| | |
|--|--------------------|
| The Hon ^{ble} James Alexander | } Esq ^r |
| James Hude | |
| Andrew Johnston | |
| Peter Kemble | |
| Richard Saltar | |
| David Ogden | } |

The Bill Entitled an Act to enable the Owners of Some
Meadows & Marshes at Elsonborough in the County of
Salem, to keep out the Tide &c was read a Second Time &
Committed to the Members of this House or any three of
them

The Bill Entitled an Act to enable the Owners of Two
Several Tracts of Tide Meadow & Marsh Lying and Adjoyn-
ing on the North side of Cohansey Creek &c was read a
Second time and Committed to the Members of the House
or any three of them

The House Continued till

Tuesday August 12th

The House Met Present

| | |
|--|--------------------|
| The Hon ^{ble} James Alexander | } Esq ^r |
| James Hude | |
| Andrew Johnston | |
| Peter Kemble | |
| Richard Saltar | |
| David Ogden | |

A Message from the House of Assembly Viz^t

Ordered

That M^r Read & M^r Yard do Carry the Bill Entitled an Act to preserve the Navigation of the Creeks & Rivulets & to the Council for their Concurrence which was read a first Time & Order'd a Second Reading

A Message from the House of Assembly Viz^t

Ordered

That M^r Fisher & M^r Hancock do carry the Bill Entitled an Act for the Relief of Poor Distressed Prisoners for Debt, to the Council for their Concurrence which was read a first time & Ordered a Second Reading

The House Continued till

Wednesday August 13th

The House Met Present

| | |
|--|--------------------|
| The Hon ^{ble} James Alexander | } Esq ^r |
| James Hude | |
| Andrew Johnston | |
| Peter Kemble | |
| Richard Saltar | |
| David Ogden | |

The Bill entitled an Act to preserve the Navigation of the Creeks & Rivulets &° was read a Second Time & Committed to the Members of the House or any three of Them

The Bill Entitled an Act for the Relief of Poor Distressed Prisoners for Debt was read a Second Time & Committed to the Members of this House or any three of them

The House continued till

Thursday August 14th

The House Met Present

| | | |
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| The Honb ^{le} James Alexander | } | Esq ^r |
| James Hude | | |
| Peter Kemble | | |
| Richard Saltar | | |
| David Ogden | | |

A Message from the House of Assembly Viz^t

Ordered That M^r Vangeson & M^r Middagh do Carry the Bill Entitled an Act for Naturalizing John Becclesheimer & others. And the Bill entitled an Act for Naturalizing Michael King Adam Agee & others, to the Council for their Concurrence which were Read a first Time & Ordered a Second Reading

M^r Ogden from the Committee to whom was Committed the Bill entitled an Act to Preserve the Navigation of the Creeks and Rivulets &° reported that they had gone thro the said Bill and made Sundry Amendments thereto which he was ready to Report when this Hous^e would Be Pleased to receive the same

Ordered that the said Report Be made immediately Then M^r Ogden read the said Amendments in his Place & delivered them in at the table where the Same were again read & Agreed to By this House

Ordered that the said Amendments be engrossed

The Bill Entitled an Act to Preserve the Navigation of the River & Creeks &c with the engross'd Amendments being read the third Time

Resolv'd that the Same do pass as Amended

Ordered that the Speaker do Sign the Said Bill & Amendments

Ordered that David Ogden Esq^r do carry the said Bill & Amendments to the Assembly and desire their Concurrence to the said Amendments

M^r Ogden reported that he had Obeyed the Order of the House

The House continued till

Friday August 15th

The House met Present

| | |
|--|---------------------|
| The Hon ^{ble} James Alexander | } Esq ^{rs} |
| James Hude | |
| Peter Kemble | |
| Richard Saltar | |
| David Ogden | |

The Bill Entitled an Act for Naturalizing John Becclesheimer & others was read a Second time & Committed to the Members of this House or any three of them

The Bill entitled an Act for Naturalizing Michael King Adam Agee & others was read a Second time & Committed to the Members of this House or any three of them

A Message from the House of Assembly Viz'

Ordered That M^r Ladd & M^r Clement do Carry the Bill reingross'd with the Councils Amendments Entitled an Act to Preserve the Navigation of the Rivers & Creeks &c to the Council and acquaint them that this House have agreed to the Bill as Amended & passed the Same

The Reingrossed Bill entitled an Act to preserve the Navigation of the Rivers & Creeks &c being read & Compared

with the former Bill & Amendments was Signed By the Speaker

A Message from the House of Assembly Viz'

Ordered That M^r Fisher & M^r Hancock do Carry the Bill entitled an Act for the Support of Government of His Majesty's Colony of New Jersey to Commence the Twenty first Day of May One thousand Seven hundred & fifty five & to end the Twenty first day of May one thousand Seven hundred & fifty Six and to discharge the Public Debts & the Contingent Charges thereof, and for Settling the Quotas in the Respective Counties & Levying of a Provincial Tax to the Council for their Concurrence which was read a first Time & Order'd a Second Reading

The House Continued till

Saturday August 16th

The House Met Present

| | | |
|--|---|------------------|
| The Hon ^{ble} James Alexander | } | Esq ^r |
| James Hude | | |
| Peter Kemble | | |
| Richard Saltar | | |
| David Ogden | | |

The Bill Entitled an Act for Support of Government &c was read a Second time & Committed to the Members of the House or any three of them.

M^r Kemble from the Committee to whom was Committed the Bill entitled an Act for the Relief of Poor Distressed Prisoners for Debt Reported that they had Gone thro the said Bill & made Sundry Amendments thereto which he was ready to Report when this House shou'd Be Pleased to receive the Same

Ordered the said Report Be made immediately.

Then M^r Kemble read the said Amendments in his Place

and delivered them in at the Table Where the Same were again Read and Agreed to By this House

Ordered that the said Amendments Be Engross'd

The Bill Entitled an Act for the Relief of Poor Distress'd Prisoners for Debt with the Engross'd Amendments being read the third time

Resolv'd that the Same do Pass as Amended

Ordered That the Speaker do Sign the said Bill & Amendments.

Ordered That M^r Kemble do carry the said Bill & Amendments to the Assembly and desire their Concurrence to the said Amendments

M^r Kemble from the Committee to whom was Committed the Bill entitled an Act for Naturalizing John Becclesheimer & others reported that they had Gone thro the said Bill and made one Amendment thereto which he was ready to Report when this House shou'd Be pleased to receive the Same

Ordered that the said Report Be made Immediately

Then M^r Kemble read the said Amendments in his Place and delivered it in at the Table Where the Same was again read and agreed to by this House

Ordered that the said Amendment be engrossed

The Bill entitled an Act for Naturalizing John Becclesheimer & others with the engross'd Amendment Being read the third time

Resolv'd that the Same do Pass as amended

Ordered that the Speaker do Sign the said Bill & Amendment

Ordered that M^r Kemble do Carry the said Bill & Amendment to the Assembly & desire their Concurrence to the said Amendment

M^r Kemble from the Committee to whom was Committed the Bill entitled an Act for Naturalizing Michael King, Adam Agee & others reported that they had gone thro' the said Bill & made one Amendment thereto which he was ready to report When this House should Be Pleased to receive the Same

Ordered that the said Report be made immediately

Then M^r Kemble read the said Amendment in his Place & Delivered it in at the Table Where the Same were again read & Agreed to By this House

Ordered that the said Amendment be engrossed

The Bill entitled an Act for Naturalizing Michael King Adam Agee & others with the Engross'd Amendment being read the third time

Resolv'd that the same do pass as Amended

Ordered That the Speaker do sign the said Bill & Amendment

Ordered That M^r Kemble do Carry the said Bill & Amendment to the Assembly and desire their Concurrence to the said Amendment

M^r Kemble reported that he had Obeyed the Several Above Orders of this House

A Message from the House of Assembly Viz^t

Ordered That M^r Fisher & M^r Wetherill do Carry the Bill Entitled an Act for making Current fifteen thousand Pounds in Bills of Credit &c To the Council for Concurrence which was read a first Time & Ordered a Second Reading

A Message from the House of Assembly Viz^t

Ordered that M^r Yard & M^r Bradbury do acquaint the Council that this House do disagree to their Amendments to the Bill entitled an Act for the Naturalizing Michael King, Adam Agee, & others & the Bill entitled an Act for Naturalizing John Becclesheimer and others

The House Continued till

Monday August 18th

The House Met Present

| | | |
|--|---|------------------|
| The Hon ^{ble} James Alexander | } | Esq ^r |
| James Hude | | |
| Andrew Johnston | | |
| Peter Kemble | | |
| Richard Saltar | | |

A Message from the House of Assembly Viz^a

Ordered

That M^r Newbold & M^r Bradbury do Carry to the Council for their Concurrence

The Bill entitled an Act more Effectually to Prevent the French from being Supplied with Provisions, Naval, & Warlike Stores &c which was read a first time & Order'd a Second Reading

The Bill entitled an Act for making Current fifteen thousand Pounds in Bills of Credit &c was read a Second Time & Committed to the Members of this House or any three of them

A Message from the House of Assembly Viz^a

Ordered That M^r Fisher & M^r Spicer do Carry to the Council the Bill Reingrossed with the Council's Amendments entitled an Act for the Relief of Poor Distressed, Prisoners for Debt & inform them that this House Have passed the said Bill with their Amendments.

The Reingrossed Bill entitled an Act for the Relief of Poor Distressed Prisoners for Debt Being read & compared with the former Bill & Amendments was Signed By the Speaker

The Bill entitled an Act more Effectually to Prevent the French from being Supplied with Provisions Naval & Warlike Stores &c was read a Second time & Committed to the Members of this House or any three of them

The House continued till

Tuesday August 19th

The House Met Present

| | | |
|--|---|------------------|
| The Honb ^{le} James Alexander | } | Esq ^r |
| James Hude | | |
| Andrew Johnston | | |
| Peter Kemble | | |
| Richard Saltar | | |

M^r Kemble from the Committee to whom was Committed the Bill entitled an Act more effectually to Prevent the French from being supplied with Provisions, Naval & War-like Stores &c reported the Same without any Amendment

Ordered that the said Bill Be read a third time Which was read And on the Question?

Resolv'd that the Same do Pass

Ordered that the Speaker do sign the Same

Ordered that M^r Kemble do acquaint the House of Assembly therewith

M^r Kemble from the Committee to whom was Committed the Bill entitled an Act for Support of Government &c reported the Same without Any Amendment

Ordered that the said Bill Be read a third time Which was read And on the Question?

Resolv'd that the Same do Pass

M^r Alexander Dissented for Reasons heretofore given by them in Like Case & Enter'd in the former Minutes

Ordered that the Speaker do sign the Same

Order'd That M^r Kemble do acquaint the House of Assembly therewith

Council Chamber August 19th 1755

Ordered that M^r Saltar do Carry Back to the Assembly the two Bills for Draining of Meadows with the Petitions for them, and acquaint them That as it appears not to this House that all Concern'd in Int'rest are agreeing to the Purport of these Bills We do not think ourselves at Liberty to Pass them till either it appears that all Concerned in Interest do Agree Or that Public Notice of the Intention of Applying for the passing of Such Bills be given in the News Papers of Philadelphia that those Who have any Objection to them may be heard & that such Notice be given at Least six Weeks before the further Application for the Passing of such Bills

Council Chamber Aug^t 19th 1755

Ordered That M^r Saltar do acquaint the House of Assembly that this House have receded from their Amendment to

the Bill entitled an Act for Naturalizing John Becclesheimer & others And Agreed to the Bill And that this House have also receded from their Amendment to the Bill Entitled an Act for Naturalizing Michael King Adam Agee & others & agreed to the Bill

M^r Saltar Reported that he had Obeyed the above Orders of this House

M^r Kemble from the Committee to whom was Committed the Bill Entitled an Act for making Current fifteen thousand Pounds in Bills of Credit &c reported the Same without any Amendment

Ordered that the said Bill Be read a third time

Which was read And on the Question ?

Resolved that the same do pass

M^r Alexander Dissented for Reasons heretofore Given By him in like Case and entered in the former Minutes

Ordered that the Speaker do sign the Same

Ordered that M^r Kemble do acquaint the House of Assembly therewith

M^r Kemble reported that he had Obeyed the Several above Orders of the House

Then the General Assembly were adjourned By Writ under the Great Seal of the Province to Meet at Elizabeth Town on the Morrow

Wednesday August 20th

The House Met according to Adjournment

Present

| | | |
|--|---|------------------|
| The Hon ^{ble} James Alexander | } | Esq ^r |
| James Hude | | |
| Andrew Johnston | | |
| Peter Kemble | | |
| Richard Saltar | | |
| David Ogden | | |

A Message from the House of Assembly By M^r Read & M^r Stevens in the following Words

Assembly Chamber August 19th 1755

M^r Read informed the House that Some Gentlemen of Honour & Interest in this Colony, have offered to send to England for five hundred Stands of Arms for the Use of this Colony, & Charge no more for them than the Prime Cost & Shipping Charges If the Legislature will resolve that this Colony will repay the Expence in Twelve Months; and that he was requested to inform the House of Assembly thereof

And on the Question whether the House do Accept of said Offer or not? it Passed in the Affirmative

Resolv'd that the General Assembly will Provide for the Payment for the said five hundred Stands of Arms on the Terms aforesaid

Assembly Chamber August 20th 1755

Ordered that M^r Read & M^r Stevens do Carry the above Resolve of this House of Yesterday to the Council and desire their Concurrence thereto

By order of the House

ROBERT LAWRENCE, Speaker

Which Message Being read & Considered

Resolv'd that this House do Concurr with the House of Assembly therein

Ordered that the Speaker do Sign the Same

Ordered That M^r Ogden do inform the House of Assembly thereof

His Excellency Came into Council & having Read & Considered the above Resolve Assented to and signed the Same

M^r Ogden reported that he had Obeyed the Above Order

His Excellency having By the Secretary inform'd the House of Assembly that he was in the Council Chamber ready to receive their Address The Speaker with the House Attended & Presented their Address in the following Words

To His Excellency Jonathan Belcher Esq^r Captain General and Governour in Chief in and over his Majestys Province of New Jersey & Territories therein depending in America Chancellor and Vice Admiral in the Same &c

The humble Address of the Representatives of the said Province in General Assembly Met.

May it please Your Excellency

We his Majesty's most Dutiful and Loyal Subjects the Representatives of the Colony of New Jersey in General Assembly met, being Nearly Affected at the News of General Braddocks retreat and Death, do Sincerely Join in the Universal Concern on so Melancholy an Occasion.

When the Unexampled intripidity of that Great tho unfortunate General, and his Officers is Compared with every Circumstance, attending the whole Affair, it makes an Event, not less Alarming than hard to be accounted for by Human reason, and must therefore remain among the Secret Councils of Unerring Wisdom who yet upon a Suitable Humiliation, by an Easy turn of his Providence, can give Success to the British Cause in a manner that may not Only revive, but Extend our hopes, and make the Loss of those Brave men who fell on the Banks of the Monongahela more Supportable

Having no reason to Doubt but that his Majestys Southern Colonies upon a Desirable Union among themselves will on an Exertion of their Power be found Greatly Superiour to any force the French can bring to Fort Duquesne, we think it the most adviseable that the whole Strength which this Colony can Spare should be bent to the Maintenance of our Regiment under Colonel Schuyler and keeping it Compleat and Effective, and we beg your Excellency will believe this to be our fixed Sentiments founded upon Mature Deliberation

The Maintenance of this Regiment for the time Expected will be attended with an Expence, which under our Present Unhappy Circumstances will be Difficult to discharge: Our very great Disappointment in respect to the Paper Money Bill sent home for his Majestys approbation; the Late Un-

common dry Season, by which the Crops in Several parts of this Colony have in a great Measure failed ; and the Scarcity of a Currency at this time are Circumstances that do not Equally Affect many of the other Colonies, and Considered with our own Inferiority in Point of Wealth and Number of People must Apologize for our not enlarging the Number of our Men in the Manner your Excellency desires

As your Excellency (since you was pleased to Recommend to us the Providing a Proper Law to Lay an Embargo in this Colony) hath thought Proper with the Advice and Consent of his Majestys Council, to do it by Proclamation, we doubt not but when it is enforced by a Proper Law it will have the Desired Effect, and therefore we shall not fail to use our best Endeavours to render your Excellencys care Effectual.

With regard to the Arms with which Governour Dinwiddie Supplied this Colony, we are informed by the Commissioners that they are all paid for pursuant to the Agreement and Governour Diniwiddies order, and we hope to his full Satisfaction.

Altho we have Lately given your Excellency our opinion in respect to the Militia Bill, as you were pleas'd to take this Occasion to recommend the Consideration of it again we Assure Your Excellency it hath been now fully reconsidered by us, and being made in War time with Proviision in Extraordinary Cases, we are Still of opinion, that it is not Necessary to make an Alteration in it.

Your Excellency will perceive by the Bills which this house have sent up to his Majestys Council, and which will be laid before you for your Assent, that the Government is Chearfully and amply Supported for the Usual time.

| | |
|------------------------------|-------------------------|
| Assembly Chamber | } By order of the House |
| August 19 th 1755 | |
| | ROBERT LAWRENCE Speaker |

After which his Excell^y was pleased to give his Assent to the following Bills Viz^t

An Act for makeing Current Fifteen Thousand pounds in

Bills of Credit, for the further Supply and Pay of the forces Lately raised in this Colony under the Command of Col^o Peter Schuyler & for Directing the Manner how the said Fifteen Thousand Pounds shall be sunk.

An Act more Effectually to Prevent the French from being Supplied with Provisions Naval & Warlike Stores from the Colony of New Jersey.

An Act to preserve the Navigation of the Rivers & Creeks within the Colony of New Jersey.

An Act for the Relief of Poor Distressed Prisoners for Debt.

An Act for Naturalizing Michael King Adam Agee & others

An Act for Naturalizing John Becclesheimer and others.

An Act for the Support of Government of his Majestys Colony of New Jersey, to Commence the 21st of May 1755 and to end the 21st of May 1756 and to discharge the Publick Debts, and the Contingent Charges thereof & for Settling the Quotas in the Several Counties and Levying of a Provincial Tax.

Then his Excellency Prorogued the General Assembly to the 24th day of September next then to Meet at Perth Amboy.

Compared wth the Journals of Council of wth this is a true copy

CHA READ D Secr^y

At a Council held at Elizabeth Town the 9th day of *August* 1755.

Present

His Excellency the Governour

| | |
|--|--------------------|
| The Hon ^{ble} James Alexander | } Esq ^r |
| Andrew Johnston | |
| David Ogden | |


His Excellency laid before this Board Sundry Depositions which being read it from thence appears that a Considerable

Number of People of the County of Hunterdon and Particularly of the late Rioters in the Society of Byerlees Tracts there have within a few Months past entered into a Conspiracy & Combination to throw of their Dependance on his Majestys Government of this Province, & have signed a Writing Setting forth that they have Bought the Lands they were possessed of But could not find that the persons they had bought of had any right thereto, that Actions had been brought against Several of them and had Turned or would turn them out of Possession, and Praying that the Government of the Colony of Connecticutt, would set them off in a County of Connecticutt by themselves, and take them under their protection and Laws &c, Whereon his Excell^y referred the said Depositions to the Consideration of a Committee of this Board or any five of them and to enquire further into that Matter, and into what if any Colour for such Conspiracy and to report their opinion to this Board with all convenient Speed.

His Excell^y also laid before this Board a Letter he had received from his honour the Lieut^t Governour of New York dated the Seventh day of August Ins^t enclosing an abstract of a Letter from Col^o Lawrence Commander in Chief at Hallifax to the Commander in Chief of his Majestys Colony of Massachusetts Bay in New England Notifying the Scarcity of Provisions at Cape Breton, which was read and Considered and his Excellency by and with the advice & Consent of the Council Issued the following Proclamation

Whereas I have just reason from the information I have received from his Majestys Governments to the Eastwards, to believe that the Present Scarcity of Provisions at Cape Breton may prevent their Supplying Canada therewith, and thereby Frustrate the Designs, the French King may have formed to the Disadvantage of all his Majestys Colonies on the Continent of America, if a Supply from his Majestys Colonies could be Totally Prevented: and that such Salutory Measures may be Effectually put in Execution Within

the Colony of New Jersey I have thought fit by and with the advice and Consent of his Majesty's Council of this Colony, to order and direct, and do hereby order and direct the Collectors of his Majestys Customs and Naval Officers within this Government, not to Clear out any Vessell Whatsoever, laden in the whole or in part with Provisions or Warlike Stores, Except such as are absolutely Necessary for The use of such Vessel and Maintenance of her Crew, until further order; unless such Vessells shall be employed by the Government, for the Supply of his Majestys Armies & Fleets, nor to permit any Shallops, Boats or Flatts, to lade on Board any salt Provisions Whatsoever, Bread, Flour or any kind of Grain, or Warlike or Naval Stores, to Transport the Same to New York or Philadelphia, or other place or places Whatsoever, until the Master or person, having the Charge of such Shallop Boat or Flatt, shall have taken an Oath, that he will not land such salt Provisions, Bread, Flour, Grain, Naval or Warlike Stores, as shall be laden on Board such Shallop, Boat, or Flatt, at any time before the first day of December next, or directly or indirectly Suffer the Same to be Landed or Unloaden, at any place or places, Except the Publick Wharfs of the Cities of New York or Philadelphia, or at some other place within this Colony, and will unlade the Same in the day time, and that he will give information to the Collector or Naval Officer immediately of his Leaving the Charge or Command of said Shallop, Boat, or Flatt, and will not lend or hire out said Shallop Boat or Flatt, at any time before the said first day of December, so as to divest himself of the Command thereof, and that he will not willingly Permitt, or Suffer, any Act or thing, whereby this Oath, or any part thereof may be Evaded and the good Purposes thereby intended in any Manner Defeated; which Oath every Collector of His Majestys Customs, or his Deputy, or Naval Officer in this Colony, is Impowered to Administer, once to each Master or person, having Charge of such Shallop, Boat or Flatt, which shall Serve for such time,



as such Master Continues to have the Care and Charge, of such Shallop, Boat or Flatt.

And every Collector of his Majestys Customs and Naval Officers in this Colony is hereby Strictly Charged and Com-manded, to put the Laws in force against such persons, Shal-lops, Boats, or Flatts, as Shall Violate any of the Acts of Trade or Offend in the Premisses.

And all his Majesty's Leige Subjects are hereby Strictly enjoyned, at all times to assist, the Collectors of his Majestys Customs, and Naval Officers in the discharge of their respective Duties: and for the Effectual Preventing frauds, in the Premisses, I do hereby request his Majestys Leige Sub-jects within this Government, on discovery of any Vessel, Loading or Unloading in any of the, Out Bays, Creeks, or Rivers, within the Same, or thereto adjacent, to give imme-diate information thereof to the Officers of his Majestys Customs that the Offenders may be dealt with According to Law.

Given under my hand and Seal at Arms in Council at the Borough of Elizabeth in the Province of New Jersey the Ninth day of August in the Twenty Ninth Year of His Majestys Reign

J BELCHER

By His Excellencys Command

CHARLES READ Secr^y

God Save the King

At a Council held at Elizabeth Town the 20th day of August 1755

Present

His Excell^y the Governour

| | | |
|------------------------|-----------------|--------------------|
| | James Hude | } Esq ^r |
| | Andrew Johnston | |
| The Hon ^{ble} | Peter Kemble | |
| | Richard Saltar | |
| | David Ogden | |

Mr Ogden Chairman of the Committee made report upon the Reference of the Twenty fifth day of Feb^r last Concerning the New York Line which was read and approved of by His Excellency and this Board and is hereto Annexed.

Ordered that leave be given to the Printer to Print the Same and the Papers therein referred to and Annexed.

His Excell^y is humbly requested to write to the Commander in Chief of New York thereon and enclose a Copy of the above report and Annexed Papers therein referred to.

His Excellency Nominated Elias Cotting a Justice of the Peace for the County of Cumberland, to which the Council Assented

And it is ordered that he be placed in Rank as he stood in the former Commission.

Ordered that Robert Ogden Esq^r be placed among the Justices of the Quorum of the County of Essex.

David Ogden Esq^r Chairman of the Committee &c made the Following report.

May it please your Excellency


In obedience to Your Excellencys Order in Council referring to us a Letter from the Lords of trade respecting the Riotts in this Province We find that after repeated offers to the Committee of the New Ark Rioters to Join in an Action of Trespass and Ejectment, for Trying the Matters in Controversy in such Manner as the said Committee had themselves proposed, as appears by the Second and Third Printed Publications of the Council of Proprietors, and the said Committees Continually declining to Join in such Action, By Consent an Action of Trespass and Ejectment was Brought in the Supream Court In the Term of March 1752 on the Title of the Proprietors of East New Jersey on the Demise of Isaac Winchell against John Tomkins, holding under the said Committee, as was Supposed to which Action The said Tomkins was by the said Committee Entered Defendant in the Term of August 1752 which Action was agreed by Consent to be tryed at B^arr by a Struck Jury of

the County of Middlesex, and accordingly Notice was given that the Same would be Tryed on the Sixteenth day of August 1753 at the Barr of the said Supream Court and Preparation made by the said Proprietors by the said day, but on the morning of the day of Tryal, their Attorney was Served with an Injunction to stay proceedings at Law, Issued by your Excell^y out of Chancery, upon Bill there filed and to which Bill we are informed that the Answer of the said Isaac Winchall and the Proprietors who were made Defendants also with him in the said Bill, is ready drawn and engrossed, and Sundrys of the Defendants have already Sworn thereto. We also find that the Committee of the Rioters, and others Claiming under Indian Purchases have also filed their other Bill in Chancery against James Alexander Esq^r and others Proprietors both of East New Jersey & of West New Jersey, Claiming Several Large Tracts of Land, Lying in the Counties of Essex and Morris Including therein a great Number of Persons, Setled under the said Proprietors many of whom have possessed the same upwards of Thirty Years past, To which Bill we are informed the Defendants are now preparing an Answer, and that it will soon be ready to be filed ;

We are also informed this day by the Hon^{ble} Samuel Nevill Esq^r Second Justice of the Supream Court of this Province, that he with others Commission'd for that Purpose in June last held a Court of *Oyer & Terminer & General Goal* delivery in and for the County of Essex, and that at said Court about Sixty of the Rioters in the County of Essex were Indicted by the Grand Jury for said County, for Riots Committed in said County, who hearing thereof came Voluntarily and without Process into Court, Confessed the Indictments against them, and Submitted to the Mercy of the Court, who were fined by the Court in small sums and ordered to be bound to their good Behaviour for three Years which they Immediately Complied with, paid their fines, Costs of Prosecution, and Entered into Recognizances for their good Behaviour accordingly; M^r Nevill further Informed us, that

by the appearance of the Rioters, he has reason to believe the Spirit of Rioting, has Very much ceased in the County of Essex some as he believes from a Dislike to the Crime, and others by fearing his Majestys forces now in America, would be brought against them, in case they persisted in opposing the Legal Authority.

We are also Informed that in November Term last at Burlington, a Tryal was then had at the Barr of the Supream Court in an Action of Trespass and Ejectment John Styles on the Demise of the West Jersey Society in London and others Claiming under them against Joseph Webster one of the Rioters in Hunterdon County for Lands Lying in said County part of a Tract of about One Hundred Thousand Acres, belonging to the said Society which in the Year 1735 was in the Occupation of about one Hundred Tenants for Years under the said Society, Rendering them Rent, but about the Year 1745 they being then Increased to the Number of Several Hundreds of Tenants for Years, Joined with the Essex Rioters in many of the Riots by them afterwards Committed, and refused all Rent and Acknowledgement to their former Landlords at which Tryal the Title of the Plaintiff was Clearly Deduced from the Crown to the Lessors of the Plaintiff by near One Hundred Deeds of Conveyances, and other Writings, that not only the Jury were Convinced of the Justice and Clearness of the Plaintiffs Title so as to render A Verdict in his favour, but the Bystanders and even many of the Rioters themselves settled on those Lands Declared themselves satisfied therewith, and also the Council for the Defendants a Gentleman Eminent in the Law from Pennsylvania Declared his intire Satisfaction as to the Justice of the Plaintiffs Title, and advised those Settled on said Tract to Contend no farther against so Clear a Title and also it appears to us that Robert Lawrence Esq^r Att^y for the said Rioters and an Ancient Practitioner of the Law in this Province and Speaker of the Present Assembly Declared his Satisfaction as to the Justness & Clearness of the Plaintiffs Title



and afterwards gave the Rioters there the like advice in open Court.

We also find in May Term last at the Supream Court at Burlington and also In the Circuit Court in May last for Hunterdon County three other Causes on the Demise of the West Jersey Society and others Claiming under them against some of the Rioters on said Societys Tract, were brought to Tryall, but the Defendants by advice of their Council made no Defence and Judgments were had on said Actions for the Plaintiffs, since which we are informed by those Concerned in Interest in said Tract that many of the Rioters have Agreed with them, some have purchased, and others taken Leases from them, and have reason to believe, they shall meet with little More opposition on that Tract.

That the Riots which have Disturbed the Peace of this Province since the Year 1745 have been principally Committed by People of the County of Essex, and the said People on the societys said Tract, who we hope for the reasons before, are Generally Sensible of their Errors, and that no more opposition may come from them to the Course of Justice and Legal Proceeding as to the many Riots Committed within two years past, Near the line of New York and this Province, we refer to our other Report of this day Concerning that Matter

By order of the Committee

DAVID OGDEN Chairman

Elizabeth Town Augth 20th 1755

Which being read was approved by his Excell^y and this Board

David Ogden Esq^r Chairman of the Committee on the Depositions Communicated to this Board the 9th Instant by order of the Committee made the following report

May it please your Excellency

In obedience to your Excell^y order in Council of the Ninth Ins^t referring to us the three Depositions therein Mentioned,

and to Enquire further into the Matter Contained in these Depositions and into what if any Colour for such Conspiracy, we have Considered thereof and find that the Colour pretended for the Conspiracy arises from the uncertainty of the Southern and Western Boundaries of the Charter of the Colony of Connecticut, and had there been Nothing afterwards to Ascertain those boundaries, Yet there was no more Colour to Claim any part of New Jersey by virtue of that Charter than there was to Claim Mexico, Peru and Brazil, for New Jersey was at the date of that Charter in the Possession of the Dutch as the others were in the Possession of the Spaniards & Portuguese, but we find that all Colour, arising from the uncertainty of the said Southern & Western Bounds, was taken away as follows We find that on the Twelfth day of March 1664 King Charles the Second Granted to his Brother James, Duke of York, Sundry Large Tracts of Land in America whereof the now Province of New York & the now Province of New Jersey were part, and the said Duke of York Granted to Lord Berkley and Sir George Carteret in Fee, the now Province of New Jersey by Lease & Release Dated the 23^d & 24th days of June 1664 Rendring to the said Duke of York and his heirs the Yearly rent of Twenty Nobles that by Virtue of a Commission from King Charles the Second under the Great Seal of England Dated the Twenty Sixth day of April 1664 Commissioners were appointed for hearing Determining and Settling the Bounds of the English Colonys, by Virtue of wth the Commissioners thereby appointed after hearing of Commissioners appointed by the Assembly of Connecticut on the first day of December 1664 did adjudge order and Declare that the Southern Boundary of Connecticutt was the Sea Between Connecticut and Long Island and that the Creek or River Called Momowneck¹ River which was reported to be about Thirteen Miles to the East of West Chester and a Line drawn from the East Point or side where the fresh Water falls into the Salt, at high Water

¹ Mamaroneck.

mark North Northwest to the line of the Massachusetts to be the Western Bounds of the said Colony of Connecticut, which Award of his Majestys said Commissioners was Consented to by the Governour & Commissioners of the General Assembly of Connecticut, as by the said Commission and the said Award and Consent all of Record in the Secretarys Office of New York more fully may appear, and its Notorious that Momowneck River is far Eastward of Hudsons River, & that the said North Northwest Line from thence Leaves all New Jersey to the Westward of the said West Bounds of Connecticutt.

And we do further find that afterwards on or about The 23^d day of November 1683 Certain Articles of Agreement were Concluded Between Coll^o Thomas Dongan then Governour of the Province of New York and the Council of that Province on the one side & Commissioners appointed by the General Assembly of Connecticut on the other side by which Certain lines from Byram River (which is much further Eastward than the said Monowneck River and North North west line) were agreed to as the Bounds Between the Duke of Yorks Territories in America & the Colony of Connecticut for ever thereafter which certain Agreement was on the Twenty eighth day of March 1700 ratified and approved of by his Late Majesty King William the third with the advice of his Privy Council, as by the said agreement and application upon Record in the Secretarys Office of New York may appear and which last mentioned Bounds (being about Twenty Miles Eastward of Hudsons River) have Continued ever since the Western Bounds of Connecticut, without any pretence to the Contrary by the Colony of Connecticut to our knowledge or Belief

And we do further humbly report to your Excellency that as all Colour of Ground for the said Conspiracy was so long ago taken away as before, [stated] we are humbly of opinion that the said Conspiracy and all Endeavours to Carry the Same or the like into Execution are highly Criminal and

Seditious tending to Disturb and Destroy his Majestys Government and peace of this Province.

Wherefore we are humbly of opinion that the said Depositions with a Copy hereof be delivered to the Attorney General of this Province, and that he Communicate the Same to the Justices of the Counties in which he may Suspect any of the said Conspirators or other such Conspirators do live that they may diligently enquire, Discover, apprehend, & Commit, all such Conspirators and their Aiders and abettors that they may be prosecuted by him with the Utmost Rigour and Severity of the Law Either by Indictments or Informations to file which Informations we are of opinion that he be empowered by your Excellency and Councils approbation hereof without any further Particular order.

We are also further of opinion that the Justices of the said Counties at the next Quarter Sessions shall Cause a Copy of these presents to be read to the Respective Grand Jurys at giving them their Charge that they may Diligently enquire and true presentment make of all such Conspirators and of all persons who by their Actions, or Words, or Writings have, Countenanced Aided or abetted or shall Countenance aid or abett such Conspiracy, that they may be brought to Justice and Punished as Seditious persons and Enemies to his Majestys Government and peace of this Province and that the Same be in like manner read & recommended in the Succeeding Courts of Quarter Sessions, while they have reason to Suspect that any such Conspirators remain undiscovered and not Prosecuted and Punished in their Respective Counties.

By order of the Committee

DAVID OGDEN Chairman

Elizabeth Town Aug^r 20th 1755

The above report being read was approved of by his Excellency & This Board and ordered Accordingly

His Excellency Nominated the following persons to be Justices of Peace in the County of Gloucester

| | | |
|----------------------------------|---|---------------|
| Isaac Jennings | } | of the Quorum |
| Alexander Rundall | | |
| Simon Ellis | | |
| Michael Fisher | | |
| Samuel Clement | | |
| Samuel Harrison Jun ^r | | |
| Joseph Ellis | | |
| William Michael | | |
| James Sommers | | |
| John English | | |
| James Cooper | | |
| David Cooper | | |
| Thomas Denny | | |
| Henry Wood | | |
| Joshua Stoaks | | |
| Samuel Coles | | |
| Jos Harrison | | |

He also Nominated Samuel Harrison Jun^r Judge of the
Pleas of the said County to all which the Council Assented

At a Council held at Elizabeth Town on the 21st day of
August 1755

Present

His Excellency the Governour

| | | |
|-----------------|---|------------------|
| James Alexander | } | Esq ^r |
| James Hude | | |
| Andrew Johnston | | |
| Peter Kemble | | |
| Richard Saltar | | |
| David Ogden | | |

His Excellency by the advice of Council Signed the fol-
lowing Warrants

N^o 364 To Himself for a Quarters Salary as
Governour of this Province due the
Twenty first Ins^t..... 250 ,, 0 ,, 0

| | | | | | | |
|-----|---|----|---|----|---|---|
| 365 | To Himself for a Quarters house rent due 21 st Ins ^t | 15 | „ | 0 | „ | 0 |
| 366 | To Samuel Nevil Esq ^r for a Quarters Salary as Second Justice of the Supream Court of this Province due 21 st Ins ^t | 6 | „ | 5 | „ | 0 |
| 367 | To Richard Saltar Esq ^r for a Quarters Salary as one of the Justices of the Supream Court of this Province due 21 st Ins ^t | 6 | „ | 5 | „ | 0 |
| 368 | To Samuel Smith Esq ^r for a Quarters Salary as one of the Treasurers of this Province due 21 st Ins ^t | 10 | „ | 0 | „ | 0 |
| 369 | To Andrew Johnston Esq ^r for a Quarters Salary as one of the Treasurers of this Province due 21 st Ins ^t | 10 | „ | 0 | „ | 0 |
| 370 | To Courtland Skinner Esq ^r for a Quarters Salary as Attorney General of this Province due 21 st Ins ^t | 7 | „ | 10 | „ | 0 |
| 371 | To Charles Read Esq ^r for a Quarters Salary as Clerk of the Council for this Province due 21 st Ins ^t | 7 | „ | 10 | „ | 0 |
| 372 | To John Smith for a Quarters Salary as Clk of the Circuit due 21 st Ins ^t .. | 5 | „ | 0 | „ | 0 |
| 373 | To William Bradford for Printing 17 Sheets of the Laws of this Province and two Proclamations in full to this day..... | 30 | „ | 9 | „ | 0 |
| 374 | To Anthony Elton for a Quarters Salary as Doorkeeper to the Council the Quarter ended the 21 st Ins ^t | 2 | „ | 10 | „ | 0 |
| 375 | To Charles Read Esq ^r for Expresses sent at Several times for this Province | 9 | „ | 14 | „ | 0 |
| 376 | To Andrew Robinson Serjeant at Arms to the Assembly for 72 days Attendance in full to this day..... | 10 | „ | 16 | „ | 0 |

| | | | | | |
|--|-----|---|----|---|---|
| 377 To John Titus door Keeper to the Assembly for 44 days in full to this day | 7 | „ | 14 | „ | 0 |
| 378 To John Smith for Copying Sundry papers by order of the Assembly Certified by Thomas Bartow & Robert Lawrence..... | 4 | „ | 12 | „ | 7 |
| 379 To Abraham Clerk Jun ^r £21 „ 9 „ 4 in full for his Acc ^t of past Services & 40 for pen Ink & paper allowed in the Last Support bill..... | 23 | „ | 9 | „ | 4 |
| 380 To Andrew Johnston Esq ^r to pay for the use of the Council room at all the Settings before this day..... | 13 | „ | 19 | „ | 4 |
| 381 To Samuel Nevil & Phillip Kearney Esq ^m for Compiling the Laws Allowed in Last Support Bill..... | 100 | „ | 0 | „ | 0 |
| 382 To Andrew Johnston Esq ^r for Money paid the Express to General Brad-dock at Alexandria..... | 15 | „ | 0 | „ | 0 |
| 383 To Richard Partridge or order in full for his Acc ^t to the 15 th of January last & Last Support Bill..... | 285 | „ | 5 | „ | 4 |
| 384 To Jacob De Hart to pay for the Assembly room to this day..... | 10 | „ | 0 | „ | 0 |
| 385 To Peter Kemble Esq ^r for 33 days Attendance in Council in April & last Sess ^s | 9 | „ | 18 | „ | 0 |
| 386 To Richard Saltar Esq ^r for 48 days D ^o in D ^o in October April & last Sessions | 14 | „ | 8 | „ | 0 |
| 387 To James Hude Esq ^r for 71 days D ^o in D ^o in October April & last Ses-sions | 21 | „ | 6 | „ | 0 |
| 388 To Abraham Clark Jun ^r for Copying the Minutes of Assembly for the | | | | | |

| | | | | | | |
|-----|--|----|---|----|---|---|
| | Printer recording the Same & Copy- ing the Laws 374 Sheets..... | 17 | „ | 10 | „ | 0 |
| 389 | To John Redford Esq ^r in full for his Acc ^t for Building a Beacon & Watchhouse at Nave Sinks & Last Support Bill..... | 14 | „ | 9 | „ | 0 |
| 390 | To Peter Savery for 68 days attendance as Serjeant at Arms for the Council in the Sessions between August 1754 & this day..... | 10 | „ | 4 | „ | 0 |
| 391 | To David Ogden Esq ^r for 41 Days Attendance in Council in April last & this Sessions..... | 12 | „ | 6 | „ | 0 |

Compared wth the Journals of Council of wth this & the
annexed Print makes a true copy

CHA READ D Secr^r

Proceedings of Council at a *Session of the General Assem-
bly* Begun & holden at the Borough of Elizth on the 12th
day of Nov^r 1755

Present

| | | |
|------------------------|-----------------|---------------------|
| | Andrew Johnston | } Esq ^{rs} |
| The Hon ^{ble} | Peter Kemble | |
| | David Ogden | |

Continued till Thursday the 13th Present as before
His Excellency came into Council & having by the Secre-
tary Required their Attendance
They Attended when
His Excellency was pleased to make the following Speech¹
to both Houses.

Gentlemen of the Council and of the General Assembly

The present Situation of Affairs in this time of Common
Danger has made it Necessary for His Majestys Honour &

¹ Printed in N. J. Archives, VIII., Part II., 162.

Interest and for the better safety of this Province to call you together at this time to communicate to you several things I have received since I last met you & I shall order them to be laid before you for your more Particular Information Viz^t

. Whitehall May 13th 1755 The Lords Justices order upon your Petition to his Majesty & the Bill you had Projected for Emitting £70,000 in Paper Currency

Also the Lords of Trades Representation to the King of the 19th of March on the same Affair.

Whitehall July 26th The Right Honb^{le} Sir Thomas Robinson's Letter of the Expectation that France would proceed to an open Rupture with Great Britain &^o

Camp at Oswego Sept^r 9th 1755

General Shirlys Letter of the Present State of Things Respecting the Kings Troops under His Command & of the Expediency of Commissioners from this & the Neighbouring Governments to Meet at New York the 15th Ins^t in a General Consultation for His Majestys Service & for the Safety of the Provinces

Hallifax Oct^r 1, 1755 Admiral Boscawens Letter to Lieutenant Governour Phips as to a Prohibition of the Exportation of Provisions &c

New Castle & Phil^a Oct^r 29th & Nov^r 1st 1755 Gov^r Morris's Letter with Particular Accounts of the Barbarous Murders & Depredations Perpetrated by the French & Indians on the Poor Distress'd People of Pensylvania

Nov^r 7, 1755 James Andersons Affidavit of an Alarm in the County of Sussex on the approach of the French & Indians towards Easton in Pensylvania

These things Gentlemen you will Carefully Deliberate upon, & which I think must produce your wise Resolutions of Exerting all in your power for Maintaining the Kings.

Honour & Interest & for the Safe Guard of the Good People of this Province, and in Aid and Assistance of our Poor Distress'd Neighbours if it should finally be found Absolutely Necessary

I think it would be highly prudent to appoint without delay A Commission to meet the Commissioners of the other Governments at New York the 15th Ins^t

You will see by Admiral Boscawens Letter the Starving Condition the French are in at Canada & Cape Breton that I wish the Governments would still Continue their Prohibitions of the Exportation of Provisions & Warlike Stores

I do in Justice to Colonel John Anderson of the County of Sussex mention his great Alacrity in Raising four Hundred men and Marching to the Defence of Easton in Pennsylvania, & which I hope will inspirit the other Officers & Private men of the Province to exert themselves in defence of their People in Case the Enemy should Enter into this Province & I am glad to say to you that the People in General seem Resolv'd by the help of God to give the Enemy a Warm Reception Wherever they may come.

I would inform you that upon the Repeated advices I had Received I sent my orders¹ by Express Last week to Every Colonel in the Province to Muster his Regiment & to see they be well Equipt with Arms & Ammunition According to Law & to be ready to March on the First Notice of the Enemy's Approach to any Part of our Frontiers & I must not Leave this Article without Earnestly Recommending to you the Passing a Bill of all Possible Encouragement to such Brave men as Shall Voluntarily engage in the Service of their King & Country.

Altho it is two Months ago since his Majestys Troops under the Command of the Brave Major General Johnston & the Brave Major General Lyman gave the French & Indians such a Remarkable Defeat Yet I must now first of all give Praise to the God of Armies and then Congratulate

¹ Printed in N. J. Archives, VIII., Part II., 167.

you on this happy Occasion & at same time give my thanks to these Prudent & Brave Officers and to the Men that fought under them with so much Courage & Intripidity

As the Winter is Just at hand which may prevent the further Proceedings on the Plan of operation for the Troops till towards the Spring, I shall not Doubt your good & kind care that the Regiment of this Province be now & always well & Seasonably Supply'd with good Provisions & all War-like Stores to Enable them the better to Encounter the Enemy

God Almighty grant in the time of this Increasing danger that not only the three parts of the Legislature may Act in great Harmony but that all the Private Members of the Common Wealth may Unitedly exert for the Defence of themselves & of their Neighbours

Elizth Town Council Chamber

J BELCHER

Nov^r 13, 1755

The House Continued till Friday 14th

Present

| | | |
|------------------------|-----------------|--------------------|
| | Andrew Johnston | } Esq ^r |
| The Hon ^{ble} | Peter Kemble | |
| | David Ogden | |

His Excellency came into Council & having by the Secre^r inform'd the House of Assembly that he was Ready to receive the address of their House.

The House of Assembly Attended.

When the Speaker Deliver'd the following Address

To His Excellency Jonathan Belcher Esq^r Captain General & Governour in Chief in and over his Majestys Province of New Jersey & Territories thereon Depending in America Chancellor & Vice Admiral in the Same &c

The Humble Address of the Representatives of the said Province in General Assembly Met.

May it Please Your Excellency

We his Majesty's most Dutiful & Loyal Subjects the Representatives of the Colony of New Jersey in General Assembly Met Cannot but express to your Excellency our Concern that we are so unhappy as to be denied a Paper Currency on the Terms set forth in our humble Petition to his Majesty as it would be of the Greatest use to this Colony

Perceiving by the Intelligence contained in Sir Thomas Robinsons Letter that the French seem Likely to draw on a War we hope to make a Prudent use of the kind hint he has given of being on our Guard.

Having Lately had Several Instances of Governour Shirleys care over this Province we take this Occasion to Gratefully Acknowledge it, & in Particular what your Excellency has now Communicated from him Respecting a Commissioner being sent from hence to Assist at the approaching Congress at New York But as we have Never on any Occasion been Concern'd in Sending Commissioners we do not now think it Necessary.

The Regiment of 500 Men under Colonel Schuyler which by the Act pass'd Last Session are Supported to some time the Next Summer are we apprehend a full Quota for us, under our Present Circumstances & when that Expires if the Reasons for Continuing the said Regiment on foot is the same we doubt not of their being further Supported, but we are well Assured the Occasion must be very Extraordinary to induce a Province already Loaded as this is to add any thing further.

As the Act for Prohibiting Provisions &c being Carried in the French Continues till Next may we apprehend it is Sufficient for the Present

As the Accounts from Pennsylvania seem very uncertain we are in hopes the Consequences will not be so bad as it at first appear'd however as we are fully Convinc'd that the Eastern Provinces have a Force that if Properly exerted will be sufficient to repell any Attempts against them we believe there will be no Occasion of any assistance from us.

As from all the Information we have got Notwithstanding the Late Alarm at Sussex proved false, we think Colonel Anderson & the People of that County under his Command having Exerted themselves in so Expeditious a Manner are entitled to the Commendation of their Country.

We join with your Excellency in a humble & Gratefull Acknowledgment to the God of Armies for the Late Great Victory Obtained by the Army at Lake George & hope Sincerely that by a happy Union of all the British Colonies they may hereafter have Nothing to fear from any force the French can bring against them.

Assembly Chamber Nov^r 14, 1755.

By Order of the house

ROBERT LAWRENCE

Speaker

Several of the Members being of the
People Call'd Quakers agree to the Sub-
stance of this address wth their Ussual
Exceptions to the Stile }

Then His Excellency was Pleas'd to Prorogue the General Assembly to Meet at Perth Amboy the Last Wednesday in December next

Compared wth the Journals of Council of w^{ch} the foregoing is a true Copy

CHA READ D Secr^y

At a Council held at the Borough of Elizabeth on Tuesday the Second day of December Anno Domini 1755

Present

His Excellency Jonathan Belcher Esq^r Governour

| | | |
|------------------------|-----------------------|---|
| The Hon ^{ble} | James Alexander | } Esq ^r of his Majestys Council |
| | Edward Antill | |
| | Peter Kemble | |
| | Andrew Johnston | |
| | Lewis Morris Ashfield | |
| | David Ogden | |

His Excellency Delivered the Following Speech

Gentlemen As I am Daily Receiving Accounts of the Barbarous Murders and Depredations Committed by the French and Indians on our Neighbours of Pennsylvania near our Borders and also at Minisinks within this Colony or very Near the same in the Colony of New York and that we may expect they will be soon repeating the like if not timely Prevented therefore desire your advice whether it may not be Expedient to order the General Assembly to meet me here as soon as possible that the whole Legislature may Consult together and do what they think Necessary in this time of Imminent danger for the Defence and Protection of the Province

The Council having Considered his Excellencys Speech are Unanimously of opinion that the General Assembly be Called as soon as Conveniently it can be done

His Excellency laid before the Council Sundry orders & Papers Relating to the Defence of the Frontiers of this Province

Which was Refer'd to a Committee of the Council

His Excellency also laid before the Council a Letter from the Clerk of the County of Sussex Representing the Necessity of Changing the Place for holding the Courts of General Sessions and of the Pleas, and Proposed that there should be a New Ordinance ordering the Courts to be held at the House of Thomas Wolverton Esq' 'till such time as there should be a Court House Erected in said County to hold the Courts in, to which the Council Assented and Advised.

A Petition from the Indians at Bethel & Crambury was presented to his Excellency in Council Setting forth the danger they were in not only of being Destroyed by the English but also by the Indians in the French Interest and Desiring the Protection of the Government

Which was Referred to a Committee of the Council

The Board Continued till Wednesday the 3^d day of December 1755

Present His Excellency the Governour

| | | |
|------------------------|-----------------------|---|
| The Hon ^{ble} | James Alexander | } Esq ^r of his Majestys Council |
| | Edward Antill | |
| | Peter Kemble | |
| | Andrew Johnston | |
| | Lewis Morris Ashfield | |
| | David Ogden | |

M^r Ogden Chairman of the Committee Reported as followeth

May it please Your Excellency

We have Considered the Petition of the Indians at Crambury and Bethel laid before us by your Excellency and for the Safety of other His Majestys Subjects as of the s^d Indians themselves are of opinion as follows first that Books be Provided one Whereof to be left with William Crawford Esq^r in the County of Middlesex one other with Jonathan Forman Esq^r in the County of Monmouth one other with Ralph Smith Esq^r in the County of Hunterdon one other with Colonel Abraham Van Campen one other with Richard Gardiner Esq^r in the County of Sussex Two in the County of Morris one in the hands of Robert Gobel Esq^r the other in the hands of Robert Gold Esq^r two others in the County of Bergen one in the hands of Peter Post Esq^r the other in the hands of Jacobus Peak Esq^r two in the County of Essex one to be Left with Samuel Woodruff Esq^r the other with Uzel Ogden Esq^r one in the County of Somerset in the hands of Bryant Lafferty Esq^r one in the County of Burlington in the hands of Joshua Bispham one in the County of Gloster in the hands of Isaac Jennings Esq^r one in the County of Cumberland in the hands of Richard Wood Esq^r one in the County of Cape May in the hands of Henry Young Esq^r and that they enter the Names & Natural Descriptions of the

Persons as fully and Particularly as they can with the Number and Residence of their Family if any and such Indians who shall from time to time apply to them upon such Indians making a Solemn Declaration of their Fidelity to his Majesty and Attachment to their Brethren the English and upon giving the Magistrate such Circumstantial Proof as he shall think Sufficient to Convince him of their Sincerity upon which the said Magistrate is to give the Indian so applying a Certificate in the Form Following . . . I one of the Justices of the Peace for the County of do hereby Certifye that an Indian aged about years of the Tribe in the County of did on this day of 1755 appear before me and did then & there make Solemn Declaration of his Fidelity to his Majesty and Attachment to his Brethren the English and also Desired to be Registered as one of his Majestys good Subjects which was Accordingly done by me

And we are also of Opinion that to prevent any Accident happening to such Indian thro Mistake that the Magistrate who gives him the Certificate should at the same time give him a Red Ribbon and desire him to wear it upon his head when he happens to be in any place where such Accident may be Likely to happen that he may not be taken by any of the People of this Province for an Enemy but known as a friend

We are also of Opinion that any Indian after Twenty days from the Date of the Proclamation his Excellency shall Issue for that Purpose Travelling thro or being in this Province who shall not have such Certificate or Produce it upon being Requested should be taken up and Carried before any Justice of the Peace and be by him Examined and if he shall not give such an Account of himself as will be Satisfactory to the said Justice of Peace that he is Neither a Spy or an Enemy and got himself Registered and take a Certificate should be Committed till he finds Security for his good Behaviour

We are of opinion that his Excellency be advised to Issue
a Proclamation to the Purpose Aforesaid

By order of the Committee

DAVID OGDEN Chairman

Elizabeth Town

Dec^r 3^d 1755

Which being read was approved by his Excellency and
the Board

His Excellency Delivered a Speech to the Council Relat-
ing to the Meeting of the Kings Governours at the Congress
at New York in the Words Following Viz^t

Gentlemen

I have Lately Received a Letter from General Shirley
Telling me he soon Expects a Meeting of Several of the
Kings Governours at New York to Consult upon a Plan of
Operation for the Kings Troops for the Year Insueing and
where he desires me to be if my health would allow, but as
it will not I have already Desired the Hon^{ble} Thomas
Pownall Esq^r his Majestys Lieutenant Governour of this
Province to Represent me as his Majestys Governour of New
Jersey and to attend in my Stead at the said Meeting & in
which Matter¹ I Desire your advice and Approbation if you
think Proper

In Answer to the above this Board is Unanimously of
opinion that as his Excellencys Health Cannot Permit him
to attend the Meeting Requested by General Shirley that his
Honour the Lieutenant Governour of this Province do attend
According to General Shirleys Invitation to him to be A
Member of that Meeting in above Case

Which was agreed to Accordingly

When His Excellency Delivered the Following Speech

Gentlemen

By a Late Letter from His Majestys Ministers they Direct
me to advise what places may be Proper to be Fortified in

¹ See letter from the Lords of Trade, N. J. Archives, VIII., Part II., 215.

this Province and in What Manner for the Better Security & Defence of the Province on which I Desire your Opinion and Advice

In Answer to the Foregoing Question the Council Desired time till the Next Meeting of Council to Consider of the Same

The Council having Considered the orders and Papers Relating to the Defence of the Frontiers of this Province Mr Ogden Chairman of the Committee reported as followeth.

May it please your Excellency

In obedience to your Excellencys Commands Relating to the Dangerous State of the Frontiers of this Province we have Considered of the Same and are of opinion that your Excellency Issue orders to the Colonels of the Several Regiments in the six Following Counties in the Province to make the Following Detachments from their respective Regiments Viz^t Bergen Two Subalterns and Thirty Men Hunterdon one Captain one Subaltern and Sixty Men Essex one Captain one Subaltern and Fifty Men, Middlesex One Captain One Subaltern & Forty five Men, Morris One Captain One Subaltern and Forty Men Somerset One Captain one Subaltern and forty Men to be under the Direction of a Commander in Chief to be appointed by your Excellency to whom we are of Opinion your Excellency should give the Following Instructions

You are to take with you such a Number of the Officers and men under your Command as you shall see Necessary Posting the rest from time to time in such Place or Places as you shall find best for the Service and with such Number you are to take an Exact Review of the Frontiers of this Province in the Countys of Morris and Sussex Noting such Places and Passes as an Enemy can pass thro, Either in Large Bodies or Covert Scouting Parties Describing when and how such may be best Defended, in Remarking the Nature of such Defence, such holds & Fastnesses as are fit to take Post upon, for Building Block Houses, Forts or Magazines, or whether

there be any House so Situated that it may & can be so Strengthened as to defend such Pass, in doing of which you are to have Particular Regard that there be a Communication thro the whole Line, You are also to observe such Fords Landings &c where the Line of our Frontiers runs, along Rivers, Creeks, Lakes, or Drowned Lands, as an Enemy can Pass in a Large Body or Small Covert Parties you are also to observe all such Places as are Proper or Likely to be made use of By the Enemy for Concealing their Canoes Battoes &c

You are by such Parties Divided into such Numbers of the Men under your Command as you see Necessary to take Post in such Places as above shall appear to you best Adapted for the Defence of this Line of Frontiers, You are there to order & See such Posts Fortified and Strengthened in the best Manner you are able keeping out a Constant Patroll from Post to Post appointing at each Post Proper Signals of Alarm Acquainting the Inhabitants of the Country with such Signals taking Care to Distinguish by your Signals whether the Alarm be only of a Scouting Small Party or Whether of a Large Body Distinguishing also by your Signals Whether it be Necessary for the Forces of the Country to Assemble or Whether only to be upon their Guard that the Country may not be Harrased and put to an Expence upon every Little Alarm

As soon as you have finished your Review or Sooner if you find it Necessary You are to make Report to me of all your Proceedings as also of such Review

You are also from Time to Time as often as Occasion shall require or you have Convenient Opportunity to make Report to me of the State of the Service and of the State of the Forces under your Command

You are to order all Officers Acting under you upon every Command and Party to make Report to you of their Respective Proceedings which you are also to Transmit to me.

You are to Consult upon your Review in Delineating where the Block Houses are to be Erected with Colonel Van Campen Colonel Anderson & Richard Gardiner Esq^r

And Whereas I have Received Advice that the like Measures are taking for the Defence of the Frontiers of New York, you are to keep up a Constant Friendly Correspondence with the Officers of that Government & Forward all Necessary Intelligence to them and to give them Assistance if required they having orders to give Like Assistance and Information to the officers of this Government who are to Avoid all Disputes Concerning the Limits or Line Between the two Governments

By order of the Committee

DAVID OGDEN Chairman

Elizabeth Town }
Dec^r 3, 1755 }

Which being Read was approved by His Excellency & this Board

His Excellency by Advice of Council Issued the Following Proclamation

By His Excellency Jonathan Belcher Esq^r Captain General Governour & Commander in Chief in and over His Majestys Province of Nova Ceasarea or New Jersey and Territories thereon Depending in America Chancellor and Vice Admiral in the Same &c

A Proclamation

Whereas Divers of the Indian Inhabitants of this Province who Profess their Fidelity to his Majesty & their Attachment to the English Nation have applied to me & Desired the Protection of the Government I have therefore thought fit by and with the advice of His Majestys Council as well for the Protection of such Indians as are Realy Friends as of His Majestys Subjects in General and in order to Prevent any Accident To Issue this Proclamation & I do hereby order that each & Every of the Magistrates herein after Named Provide himself with a book to be kept by him for Registering such of the Indians as Shall apply for the Same Viz^t William Crawford Esq^r in the County of Middlesex

Jonathan Forman Esq^r in the County of Monmouth Ralph Smith Esq^r in the County of Hunterdon Colonel Abraham Abraham Van Campen and Richard Gardiner Esq^m in the County of Sussex Robert Gobel & Robert Gold Esq^m in the County of Morris Peter Post & Jacobus Peak Esq^m in the County of Bergen Samuel Woodruff & Uzel Ogden Esq^m in the County of Essex Bryant Lafferty Esq^r in the County of Somerset Joshua Bispham Esq^r in the County of Burlington Isaac Jennings Esq^r in the County of Gloster Nathaniel Chamness Esq^r in the County of Salem Richard Wood Esq^r in the County of Cumberland & Henry Young Esq^r in the County of Cape May and that they enter therein the Names and Natural Descriptions of the Persons as fully & Particularly as they can with the Number & Residence of their Family if any and such Indians who shall apply to them & Make Solemn Declaration of their Fidelity to his Majesty and Attachment to their Brethren the English and give such Circumstantial Proof as they or any of them before whom such Indians may come as will be Sufficient to Convince him of their Sincerity then the said Magistrate must give to the Indian so applying a Certificate in the form following . . . I one of the Justices of the Peace for the County of do hereby Certify that . . . an Indian aged about . . . years of the Tribe in the County of did on the day of 1755 Appear before me and did then & there make Solemn Declaration of his Fidelity to his Majesty and Attachment to his Brethren the English and also Desired to be registered as one of his Majestys good Subjects which was Accordingly done by me.

And to Prevent any Accident happening to such Indian thro Mistake I order that the said Magistrate when he gives a Certificate shall Likewise give a Red Ribbon & Desire him to Wear it upon his head when he happens to be in any place where such Accident may be Likely to happen that he may not be taken by any of the People of this Province for an Enemy but known as a Friend

And I do hereby further order & Command that any Indian which shall or may be found in this Province after Twenty Days from the Date hereof not having such Certificate and Produce it if requested shall be taken up & Carried before any Justice of the Peace who shall Examine him and if he Cannot give a Satisfactory Account to the said Justice that he is Neither a Spy or an Enemy and get himself Registered & take a Certificate shall be Committed till he finds Security for his Good Behaviour.

Given under my hand and Seal at Arms at the Borough of Elizabeth The Third day of December in the Twenty Ninth Year of His Majestys Reign Anno Domini 1755

J: BELCHER

By His Excellencys Command

CHA^s READ Secret^{ry}

(God save the King)

The foregoing are true Copies of the Minutes of the Privy Council Compared by me

ROB^t OGDEN D Secretary

Proceedings of Council at a Session of the General Assembly Begun & Holden at Elizabeth Town on Tuesday The Sixteenth day of December 1755

The House Met Present

| | | | |
|------------------------|-----------------------|---|------------------|
| | Andrew Johnston | } | Esq ^r |
| | Peter Kemble | | |
| The Hon ^{ble} | Richard Saltar | | |
| | Lewis Morris Ashfield | | |
| | David Ogden | | |

His Excellency came into Council & having by the Clerk of the Council Required the attendance of the House of Assembly they Attended when his Excellency was Pleas'd to make the following Speech¹ To both Houses

¹ Printed in N. J. Archives, VIII., Part II., 195.

Gentlemen of the Council and of the General Assembly

"From my last parting with you I have been been Continually Receiving Expresses with Accounts of the Barbarous Cruelties & Murders Committed by the Indians on our Neighbours of Pennsylvania & the Poor People of this Province, Living on Our Frontiers Praying at the same time for Defence and Protection in this time of Emminent Danger and in Consideration of these things, I Directed his Majestys Council to meet me to have their advice what was most Necessary & Expedient to be done And they were Unanimously of opinion that the Assembly should meet, and the whole Legislature Enter into a Joint Consultation upon the Present Situation of Affairs. The Particular Proceedings of the said Council I have ordered to be laid before you together with a Proclamation I Issued by their Advice

"The Poor People Living on our Frontiers being in Continual Danger And Distress fearing soon to be Attacked by the Enemy, as you will find by Many Letters & Petitions which shall be laid before you: it seems absolutely Necessary, that A Number of Block Houses be Built without Delay on the River Delaware, and to be Furnished with Three or Four Hundred Men and with Arms Amunition & which Provision must be made by you Gentlemen of the General Assembly And for which Charge I believe your Constituents are very Desirous to be Taxed And Since they are Willing to Part with a Reasonable Share of their Estates, to Save the Rest together with the Lives of themselves, their Wives and Children I think you Cant Ballance the thing in any Delay, but Immediately Grant a Supply for Defraying the Charge of what I have Mentioned

Gentlemen of the Council and of the General Assembly.

"I hope all the Branches of the Government will Act in the best Union & Harmony in the Present Emergency for Maintaining the Safety & Wellfare of the Province always Considering if the Inhabitants of the Frontiers are forced

“to leave their Habitation the Towns that seem now to be
 “Less in Danger will soon become Frontiers to the Ruin of
 “the Province To Prevent which Nothing in our Power
 “should be Wanting

Elizabeth Town Council } J. BELCHER
 Chamber Dec^r 16th 1755 }

The Speaker and House of Assembly Returned & his
 Excellency Withdrew

The House Continued till Wednesday Dec^r 17th 1755

Present.

| | | | |
|------------------------|--------------------------|---|------------------|
| | Andrew Johnston | } | Esq ^r |
| | Peter Kemble | | |
| The Hon ^{ble} | Rich ^d Saltar | | |
| | Lewis Morris Ashfield | | |
| | David Ogden | } | |

The House Continued till Thursday Dec^r 18th 1755

Present

| | | | |
|------------------------|-----------------------|---|------------------|
| | Andrew Johnston | } | Esq ^r |
| | Peter Kemble | | |
| The Hon ^{ble} | Richard Saltar | | |
| | Lewis Morris Ashfield | | |
| | David Ogden | } | |

The House Continued till Friday Dec^r 19, 1755

Present

| | | | |
|------------------------|-----------------------|---|------------------|
| | Andrew Johnston | } | Esq ^r |
| | Peter Kemble | | |
| The Hon ^{ble} | Richard Saltar | | |
| | Lewis Morris Ashfield | | |
| | David Ogden | } | |

The House Continued till Saturday Dec^r 20th 1755

| | | |
|------------------------|-----------------------|--------------------|
| | Present | |
| | Andrew Johnston | } Esq ^r |
| | Peter Kemble | |
| The Hon ^{ble} | Richard Saltar | |
| | Lewis Morris Ashfield | |
| | David Ogden | |

The House Continued till Monday Dec^r 22^d 1755

| | | |
|------------------------|-----------------------|--------------------|
| | Present | |
| | Andrew Johnston | } Esq ^r |
| | Peter Kemble | |
| The Hon ^{ble} | Richard Saltar | |
| | Lewis Morris Ashfield | |
| | David Ogden | |

M^r Nevill M^r Read M^r Fisher & M^r Ladd from the House of Assembly Presented for the Concurrence of this House a Bill Entitled an Act for making Current Ten Thousand Pounds in Bills of Credit to Enable the Inhabitants of this Colony to Protect & Defend their Frontiers from any Invasions which may be upon the Same by the Enemy & more Particularly for making Provision for the Guard & Defence of the Frontiers of this Province along the River Delaware In the County of Sussex and other places adjacent by Erecting Block Houses And Supplying the Same with such a Number of Forces as shall be Thought Necessary for that Purpose and also for Directing the manner for Sinking the said Bills of Credit & Subjecting such of them as shall not be used on the Present Occasion to be employed for the Services of the Provincial Forces under Colonel Schuyler & on other Emergencies wth Bill was Read the first Time & ordered a Second Reading

The House Continued till

3 oClock P. M.

Present as before

The Bill Entitled an Act for Making Current Ten Thousand Pounds in Bills in Credit to Enable the Inhabitants of this Colony to Protect & Defend their Frontiers & was Read a Second time & Committed to the Gentlemen of the Council or any three of them

The House Continued till Tuesday Dec: 23^d 1755

| | | |
|------------------------|-----------------------|--------------------|
| | Present | |
| | Andrew Johnston | } Esq ^r |
| | Peter Kemble | |
| The Hon ^{ble} | Richard Saltar | |
| | Lewis Morris Ashfield | |
| | David Ogden | |

M^r Ashfield from the Committee to whom was Referred the Bill Entitled an Act for Making Current Ten Thousand Pounds & as Yesterday Afternoon, Reported the same without Amendment

Ordered that the said Bill be read a Third time & on the Question

Resolved that the said Bill do Pass

Ordered that the Speaker do Sign the Same

Ordered that M^r Ashfield do acquaint the House of Assembly therewith.

M^r Ashfield Reported that he had obeyed the above orders

M^r Ashfield & M^r Ogden Dissented from the Passing said Bill

The House Mett

A Message from the House of Assembly in the following Words

Ordered

That M^r Dehart & M^r Bradburry do wait on the Council and Desire to know if they have any Business before them, if not that this House purposes to apply to his Excellency, for a Dismission

| | | | |
|---------------------------------------|---|---------------------------------|---|
| Assembly Chamber | } | By order of the House | } |
| Dec ^r 23 ^d 1755 | } | ABRA: CLARK JN ^r Clk | } |

The House Continued till 3 ° Clock P M December 23^d 1755

Present

| | | | |
|------------------------|-----------------------|---|------------------|
| | Andrew Johnston | } | Esq ^r |
| | Peter Kemble | | |
| The Hon ^{ble} | Richard Saltar | | |
| | Lewis Morris Ashfield | | |
| | David Ogden | | |

When His Excellency was pleas'd to Deliver the Following Resolves to the Council for their Concurrence

Assembly Chamber December the 23^d 1755

Resolved

That Hendrick Fisher and Jacob Spicer Esq^r Commissioners do Supply The Forces in the Pay of this Colony under Colonel Schuyler with all the Necessarys they may want as Near as may be, Conforming themselves to the Directions of the Act Entitled "An Act for Making Current "Fifteen Thousand Pounds in Bills of Credit for the Further "Supply & Pay of the Forces Lately raised in this Colony "under the Command of Colonel Peter Schuyler and for "Directing the Manner how the said Fifteen Thousand "Pounds shall be Sunk " but where the said Act does not Provide for keeping up & Maintaining the full Quantity of Guns, Cartridge Boxes, Bayonets, Kettles & Tents, they are to Supply them Provided always that due care be taken that the Intention of the Law may be Complied with, in Deduct-

ing from the Soldiers Wages, the Price of any thing that they may Negligently or Wilfully Waste

Resolved that Whatever Necessaries the said Hendrick Fisher and Jacob Spicer shall Supply the said Forces with While they are on the Frontiers of This Colony, on Repairing there, shall be allowed in their Accounts when Laid before the General Assembly.

Whereas it seems Likely that Money for the Purposes Intended by the Act Pass'd this Sitting will be Wanted before it can be got Ready

Resolved that upon applycation made to the Treasurers of this Colony or Either of them they or Either of them shall Pay to John Stevens John Johnston John Wetherill & Jonathan Hampton Esq^r or Either of them Such Sum or Sums as they may Respectively Want in Consequence of the Directions of the Act of Assembly Pass'd at this Sitting out of the Money made Current by the Act for Emitting the Last Fifteen Thousand Pounds in Bills of Credit and to Replace the same out of the Money to come into their hands by Virtue of the Act Pass'd this Sitting

Ordered That M^r Johnston & M^r Wetherall do Carry the Above Resolves to the Council for Concurrence

By Order of the House

ROBERT LAWRENCE

Speaker

To which Resolves this House Concurred and His Excellency Assented thereto

His Excellency having by the Clerk of the Council Informed the House of Assembly that he was in the Council Chamber Ready to Receive the Address of that House

The Speaker & the House of Assembly Attended & Delivered their Address in the Following words

To His Excellency Jonathan Belcher Esq^r Captain General & Governour in Chief in and over His Majestys Province of New Jersey & Territories thereon Depending in America Chancellor & Vice Admiral in the Same &c

The Humble Address of the Representatives of the said
Province in General Assembly Met

May it Please your Excellency

We his Majestys Dutiful & Loyal Subjects the Representatives of the Colony of New Jersey in General Assembly Conven'd being Compassionately Affected at the Barbarities Committed by the Ind^a Enemy on our Neighbours of Pennsylvania Cannot but Esteem this Province obliged to your Excellencys care in Giving us this opportunity of Providing for the Security of our Frontiers against the Unrelenting Cruelties of so Savage an Enemy

As by the Accounts we have received it appears that Pennsylvania is Depopulated for a Considerable Distance that Many of Her Inhabitants are Murdered and Some with most Aggravating Marks of Inhumanity, that many fine Plantations and Improvements are Laid Waste & Several of them even within the View of our People on the Frontiers of this Province who are thereby become a Frontier themselves: it is therefore not to be Wonder'd at, that they are in Confusion & Likely to Leave their Plantations If, Something is not done for their Relief, on which occasion this House has Received a Considerable Number of Petitions from many Parts of the Province Signed by an Unusual Number of Freeholders, Praying that Something may be done on the Present Emergency all which having been duly Considered together with the Inconvenience of Making An Addition at this time to the Heavy Taxes already Laid on the Inhabitants of this Colony we have after due Deliberation (By the Bill Sent to the Council) for Making Current Ten Thousand Pounds, made such Provision as with the Blessing of Divine Providence we hope will give the Desired Relief.

By order of the House

ROBERT LAWRENCE Speaker

Assembly Chamber }
December 22^d 1755 }

The House Continued till Wednesday Dec^r 24th 1755

| | | |
|------------------------|-----------------------|--------------------|
| | Present | |
| | Andrew Johnston | } Esq ^r |
| | Peter Kemble | |
| The Hon ^{ble} | Richard Saltar | |
| | Lewis Morris Ashfield | |
| | David Ogden | |

His Excellency came into Council & having by the Clk. of the Council Required The Attendance of the House of Assembly they Attended, when his Excellency was Pleased to give his Assent to the Bill Entitled An Act for Making Curr^t Ten Thousand Pounds in Bills of Credit to Enable the Inhabitants of this Colony to Protect & Defend their Frontiers from any Invasions w^{ch} May be made upon the Same by the Enemy &c

After which he adjourned the General Assembly to Meet him At Elizabeth Town on the Twenty Second Day of January next

At a Council held at Elizabeth Town Dec^r 24th 1755

| | | |
|------------------------|------------------------------|---|
| | Present | |
| | His Excellency the Governour | |
| | Andrew Johnston | } Esq ^r of his Majestys Council |
| | Peter Kemble | |
| The Hon ^{ble} | Richard Saltar | |
| | Lewis Morris Ashfield | |
| | David Ogden | |

His Excellency by the Advice of Council Signed the following Warrant

N^o 404 To James Alexander Esq^r The Sum of £ s: d
 Thirty two Pounds For 107 Days
 attendance in Council the several
 Sessions of General Assembly Feb^r
 1751/2 To this time..... 32 ,, 0 ,, 0

His Excellency informed the Council that Several Indians had been Brought to Town by Petrus Deeker from the Frontiers of Sussex County Who were now at the Goal of this Borough and he Desired that the Matter Might be Enquired into and that he might have the advice of the Council on the Affair and as to what Steps shall be taken with Suspected Indians as they may be Brought to him
The House Continued till

3 o Clock P M

Present

His Excellency the Governour

| | |
|-----------------------|---------------------------|
| Robert Hunter Morris | } Esq ^r of His |
| Andrew Johnston | |
| Peter Kemble | |
| Richard Saltar | |
| Lewis Morris Ashfield | |
| David Ogden | |
| | Majestys |
| | Council |

May it Please your Excellency

In obedience to your Commands we have taken the Indian Affair into Consideration and are of opinion that your Excellency order the Several Indian Inhabitants of this Province to Meet at Crosswick at a Time to be Fixed by your Excellency there to Consult with Persons to be appointed by your Excellency for that Purpose of the Methods that will be most Suitable & Convenient to them and most for the Safety of the Inhabitants of this Province with Regard to their Joining us, and to the Protection of their Wives and Children & Whereas there is no Fund for Defraying the Expence thereof, we have Encouraged by the Resolve of the House, opened a Subscription, in Confidence that the House of Assembly will agree to raise the Money for the Repayment of the Sev^l Subscriptions, and we are also of opinion that those Indians who appear to be Friends to the English shall

be Brought Down & Maintained among the Inhabitants of this Province, and an Acc^t taken of their Expences to be paid out of the Subscription Money or as shall be otherwise hereafter Provided

M^r Ogden informed His Excellency that the Present Terms of The Courts for Morris County were Inconvenient & Proposed that the Same should Sett the Second Tuesday in March the first Tuesday in July the fourth Tuesday in September & the third tuesday in December

His Excellency by Advice of Council ordered an Ordinance To Issue Accordingly

His Excellency Nominated John Taylor & John Little Esqⁿ to be Judges of the Pleas in the County of Monmouth to Which the Council Assented

His Excellency Desired the advice of Council as to a Person Fit to be Employed as Commander in Chief of the Forces in Garrison on the Frontiers

The Council Recommended Cornelius Hotfield on His Refusal John Allen Esq^r & on His Refusal Pontius Stella

M^r Ashfield from the Committee to whom the Affairs of the Frontiers was referred Made the Following Report

May it Please your Excellency

In obedience to your Excellencys Commands Relating to the Instructions to be given to the Commander in Chief for the time being upon the Frontiers of this Province having Considered the Same are of Opinion that the Following Instructions be given

1st That he take the best care he can to Secure the Several Inhabitants of this Province In their Persons & Possessions

2^d That he Divide the Men under his Command into such Parties & Post them in Such Places as shall be by him in Conjunction with John Stevens & John Johnston Esqⁿ or one of them thought Prudent or Adviseable if the said John Stevens & John Johnston Esqⁿ are on the Frontiers of this Province or can be Conveniently met with, & Whereas Colonel Schuyler has Promised his Assistance that he be also

advised with if on the Frontiers or Conveniently to be met with & that the said Commander in Chief keep out a Constant Patroll from Post to Post Appointing at Each Post Proper Signals of Alarm, Acquainting the Inhabitants of the Country with such Signals taking Care to Distinguish by the Signals Whether the Alarm be only of a Scouting Small Party or Whether of a Large Body Distinguishing also by his Signals Whether it be Necessary for the Forces of the Country to Assemble or Whether only to be upon their Guard, that the Country may not be Harrass^d And put to an Expen^ce upon Every Little Alarm

3^d That the Said Commander in Chief do and Shall from time to time During the Time the said John Stevens & John Johnston Esq^r or Either of them Shall be Erecting Block Houses or other Places of Defence order Such Detachments of the Men under his Command as the Said John Stevens and John Johnston or one of them in the absence of the other shall think fit & Necessary for their Defence & Safety & for the Defence & Safety of the Workmen & Labourers by them or Either of them Employed in Building Block Houses or other Places of Defence on the Frontiers of this Province

4th That in Case of any Attack upon the Settlements in Pennsylvania near the Frontiers of this Province the Commander in Chief for the time being send such Detachments as he shall think Necessary to their Assistance Consistent with the Safety of the Frontiers of this Province

5th That he order all Officers Acting under him upon every Command & Party to make Report to him of their Respective Proceedings w^{ch} he is to Transmit to your Excellency as also from time to time as often as Occasion shall Require or he has Convenient opportunity to make report to your Excellency of the State of the Service & of the State of The Forces under his Command

6th That he keep up a Constant Friendly Correspondence with the officers of the Government of New York Placed on the Frontiers thereof & forward all Proper Intelligence to

them & Give them Assistance if Necessary they having orders to give Like Assistance & Information to the officers of this Government who are to avoid all Disputes Concerning the Limits or Line between the two Governments & keep up the Like Correspondence with the officers of Pensylvania if any Near the Frontiers of this Province

| | | |
|--|---|--------------------------------|
| Eliz th Town | } | By order of the Committee |
| Council Chamber | | LEWIS MORRIS ASHFIELD Chairman |
| Dec ^r 24 th 1755 | | |

His Excellency Informed the Board that he Proposed to Commission The Hon^{ble} Richard Saltar Esq^r Cha^r Read & Samuel Smith Esqⁿ to Treat with the Ind^s at Crosswicks the 8th day of Jan^{ry} Next

The Foregoing are True Copies of the Minutes of Council of the Legislation and of the Privy Council Compared by Me
ROBERT OGDEN D Secre^r

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